# Mitigated Negative Declaration



Project No. 149437

SUBJECT:

HILLEL OF SAN DIEGO. SITE DEVELOPMENT PERMIT / PUBLIC RIGHT-OF-WAY VACATION / EASEMENT DEDICATIONS / EASEMENT ABANDONMENT (PROJECT NO. 6098) 143479) to allow the phased development of Hillel of San Diego. Phase I would consist of the continued operation of religious administrative offices in the existing single family residence located at 8976 Cliffridge Avenue. Phase II would consist of the construction of a new one-story, 12,100 square-foot religious student center building, above a 17,000 square-foot subterranean garage, on an existing adjacent vacant lot. The current vacant lot is bounded to the north by La Jolla Village Drive, to the east by La Jolla Scenic Way and to the south by La Jolla Scenic Drive and is approximately 15,350 square-feet. Project approval would allow approximately 19,719 18,168 squarefeet of land to be added to the existing site, for a total of an approximately 35,069 33,518 square-foot site. The project site is located within the Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone. Campus Parking Impact Overlay Zone and the La Jolla Community Planning Area. Legal Description: Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego. Applicant: Hillel of San Diego

**UPDATE:** 

September 23, 2008- Minor revisions to this document have been made when compared to the draft Mitigated negative Declaration. The changes do not affect the environmental analysis or conclusions of this document: All revisions are show in a strikeout and underline format.

2<sup>ND</sup> UPDATE: October 21, 2008 – Subsequent to the distribution of the Final MND it was discovered that one of the comment letters was inadvertently left out of the response to comments section of the document. "Letter P" has been responded to and included in the Revised Final MND.

UPDATE: November 13, 2008-Subsequent to the distribution of the Final MND, it was discovered that the square-footage of the site was not correct. Additionally, minor changes to the parking lifts and on-street parking lost due to project implementation were revised. The changes do not affect the environmental analysis or conclusions of this document: All revisions are show in a strikeout and underline format.

- I. PROJECT DESCRIPTION: See attached Initial Study.
- II. ENVIRONMENTAL SETTING: See attached Initial Study.

#### III. DETERMINATION:

The City of San Diego conducted an Initial Study which determined that the proposed project could have a significant environmental effect in the following areas(s): Paleontological Resources and Parking. Subsequent revisions in the project proposal create the specific mitigation identified in Section V of this Mitigated Negative Declaration. The project as revised now avoids or mitigates the potentially significant environmental effects previously identified, and the preparation of an Environmental Impact Report will not be required.

#### IV. DOCUMENTATION:

The attached Initial Study documents the reasons to support the above Determination.

V. MITIGATION, MONITORING AND REPORTING PROGRAM:

### GENERAL REQUIREMENTS

- 1. Prior to issuance of a Notice to Proceed (NTC), the Assistant Deputy Director (ADD) Environmental Designee of the Entitlements Division shall verify that Mitigation Measures for Paleontological Resources—have been included in entirety on the submitted construction documents and contract specifications, and included under the heading, "Environmental Mitigation Requirements." In addition, the requirements for a Preconstruction Meeting shall be noted on all construction documents.
- 2. Prior to the commencement of work, a Preconstruction Meeting (Pre-con) shall be conducted and include the City of San Diego's Mitigation Monitoring Coordination (MMC) Section, Resident Engineer, Building Inspector, Project Paleontologist, Applicant and other parties of interest.
- 3. Evidence of compliance with other permitting authorities is required, if applicable. Evidence shall include either copies of permits issued, letters of resolution issued by the Responsible Agency documenting compliance, or other evidence documenting compliance and deemed acceptable by the ADD Environmental Designee.

#### PALEONTOLOGICAL RESOURCES

#### I. Prior to Permit Issuance

- A. Entitlements Plan Check
  - 1. Prior to Notice to Proceed (NTP) for any construction permits, including but not limited to, the first Grading Permit, Demolition Plans/Permits and Building Plans/Permits, but prior to the first preconstruction meeting, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

- B. Letters of Oualification have been submitted to ADD
  - 1. The applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
  - 2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
  - 3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

#### II. Prior to Start of Construction

- A. Verification of Records Search
  - 1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
  - 2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

## B. PI Shall Attend Precon Meetings

- Prior to beginning any work that requires monitoring, the Applicant shall arrange
  a Precon Meeting that shall include the PI, Construction Manager (CM) and/or
  Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if
  appropriate, and MMC. The qualified paleontologist shall attend any
  grading/excavation related Precon Meetings to make comments and/or
  suggestions concerning the Paleontological Monitoring program with the
  Construction Manager and/or Grading Contractor.
  - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
- 2. Identify Areas to be Monitored
  - Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
- 3. When Monitoring Will Occur
  - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
  - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation

and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.

## III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
  - 1. The monitor shall be present full-time during grading/excavation/trenching activities as identified on the PME that could result in impacts to formations with high and moderate resource sensitivity. The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities.
  - 2. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (Notification of Monitoring Completion), and in the case of ANY discoveries. The RE shall forward copies to MMC.
  - 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.

## B. Discovery Notification Process

- In the event of a discovery, the Paleontological Monitor shall direct the contractor
  to temporarily divert trenching activities in the area of discovery and immediately
  notify the RE or BI, as appropriate.
- 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
- 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.

### C. Determination of Significance

- 1. The PI shall evaluate the significance of the resource.
  - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.
  - b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval from MMC. Impacts to significant resources must be mitigated before ground disturbing activities in the area of discovery will be allowed to resume.
  - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.

d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.

## IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
  - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
  - 2. The following procedures shall be followed.
    - a. No Discoveries
      In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSVR and submit to MMC via fax by 8AM on the next business day.
    - b. Discoveries

      All discoveries shall be processed and documented using the existing procedures detailed in Sections III During Construction.
    - c. Potentially Significant Discoveries
      If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III During Construction shall be followed.
    - d. The PI shall immediately contact MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night work becomes necessary during the course of construction
  - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
  - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

#### V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
  - The PI shall submit two copies of the Draft Monitoring Report (even if negative),
    prepared in accordance with the Paleontological Guidelines which describes the
    results, analysis, and conclusions of all phases of the Paleontological Monitoring
    Program (with appropriate graphics) to MMC for review and approval within 90
    days following the completion of monitoring,
    - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program shall be included in the Draft Monitoring Report.
    - b. Recording Sites with the San Diego Natural History Museum The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.

- 2. MMC shall return the Draft Monitoring Report to the PI for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

## B. Handling of Fossil Remains

- 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- 2. The PI shall be responsible for ensuring that all fossil remains are analyzed to identify function and chronology as they relate to the geologic history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate
- C. Curation of fossil remains: Deed of Gift and Acceptance Verification
  - 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
  - 2. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.

## D. Final Monitoring Report(s)

- 1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC that the draft report has been approved.
- 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

#### **PARKING**

- 1. The applicant shall provide a minimum of 68 on-site, underground parking spaces. In its discretion, the applicant may employ parking lifts to achieve this number. Applicant shall not prohibit any of its staff, visitors or person participating in its on-site activities from parking in the garage. Applicant acknowledges that any such closure is grounds for the immediate suspension of all operations by the Director of Development Services Department and Neighborhood Code Compliance Department, in his or her sole discretion.
- 2. The project shall provide an additional 67 off-site parking spaces through shared parking agreement for weekly Shabbat services. The 67 parking spaces shall be available from 1 hour prior to the event until 1 hour after each Shabbat Service.
- 3. The project shall provide additional 75 off-site parking spaces through shared parking agreement for special events. The 75 parking spaces shall be available from 1 hour prior to the event until 1 hour after each event.
- 4. Prior to the issuance of the first building permit, a shared parking agreement shall

- be provided between the applicant and the off-site parking provider(s) for the required off-site parking spaces, satisfactory to the City of San Diego.
- 5. Hillel shall provide shuttle service between the off-site parking location(s) and the student center facility for both weekly Friday Shabbat services and the occasional special events. If the location of the off-site parking is within 600 feet, no shuttle service will be necessary.
- 6. In the event of a cancellation of a shared parking agreement, the applicant will immediately suspend any activities with more than 204 people in attendance. which would effectively bring the cap down to what 68 spaces would support, including Shabbat services and occasional special events at the facility until an equivalent parking management plan or shared parking agreement is secured and approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant. In the event of failure of the parking shuttle to operate during any Shabbat services, the applicant will immediately suspend any activities with more than 204 people in attendance at the facility until the shuttle services is resumed and the resumed operation is approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant. At any time after the first year of operation of the facility, the Director of Development Services Department may, in his or her sole discretion, require that this Shabbat services off-site parking requirement and shuttle requirement be continued or discontinued. This would take 67 parking spaces, in addition to the 68 on-site spaces that would be the parking requirement. If for any reason the off-street parking is not satisfied or the shuttle is not available, the occupancy of the facility shall be limited to 204 people, which is what the 68 on-site parking spaces would support.
- 7. In the event of a cancellation of a shared parking agreement, the applicant will immediately suspend any activities with more than 204 people in attendance for Shabbat services and occasional Special Events (which are limited to six times a year for the first year and up to nine times a year thereafter with the approval of the Director of Development Services Department at the facility until an equivalent parking management plan or shared parking agreement is secured and approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant. In the event of failure of the parking shuttle to operate during occasional Special Events, the applicant will immediately suspend any activities with more than 204 people in attendance (including Shabbat services and occasional special events) at the facility until shuttle service is resumed and the resumed operation is approved by the Director of Development Services Department in his or her sole discretion and executed by the applicant.
- 8. The number of occasional Special Events for the first 12 months of operation shall be limited to six. The number may be increased after the first year to a maximum

- of nine occasional special events per year with the approval of the Director of Development Services Department in his sole discretion, where Code Enforcement will be in charge of supervising the number of these events.
- 9. During Shabbat services and occasional special events, signs shall be placed and maintained in front of the project clearly indicating available parking spaces at the off-site location(s).
- 10. During Shabbat services and occasional special events, signs shall be placed and maintained at the entrance of the off-site parking location(s) clearly indicating that parking spaces are available for Hillel.
- 11. No fewer that six temporary parking spaces shall be constructed in the vacated/abandoned portion of La Jolla Scenic Drive North right-of-way (as shown on Exhibit "A") for the use of the 8976 Cliffridge Avenue site (Phase I). These temporary parking spaces shall be removed and the area restored upon completion of the project at Site 653 (Phase II).
- 12. No fewer than 6 on-site parking spaces shall be maintained on 8976 Cliffridge Avenue in the event that the proposed project is not constructed on site 653 in the approximate locations shown on the approved Exhibit "A". Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Director of Development Services Department.
- 13. The gate to the subterranean garage shall be monitored by the Hillel's staff during all gatherings.
- 14. Prior to the issuance of the issuance of the first building permit, the applicant must submit a Transportation Demand and Parking Management (TDPM) Plan. The TDM Plan shall include the following.
  - a. Provide staff at both Hillel facility and the off-site location to monitor parking for occasional special events.
  - b. Publicize the availability of off-site parking and transportation prior to the occasional special events.
  - c. Annual post-occupancy parking demand study shall be conducted by the applicant for Shabbat services and occasional special services for 3 years after the facility becomes operational, satisfactory to the City Engineer. If post occupancy study indicates need for additional off-site parking, then the applicant shall secure the additional needed parking spaces, satisfactory to the City of San Diego. If post occupancy study indicates that the project has no need for the required off-site parking spaces, then those spaces do not need to be provided. The parking demand study should

- also include an annual summary of the type and frequency of the events that take place at the student center facility. The parking demand study should also monitor the use of the on-street parking in the vicinity of the project and eliminate any adverse impact of the project on the on-street parking.
- d. The TDPM plan shall be adopted as a condition of the permit. The monitoring program shall be conducted by applicant and evaluated by the Director of Development Services Department at least nine times and no more than 12 times during the first year, and at least three times and no more than five times per year in subsequent years. The monitoring after the first year shall be conducted during times when school is in session and at least once during an occasional Special Event.
- e. Prior to the expiration of the term of the shared parking agreement, Hillel shall provide a renewed shared parking agreement for the off-site parking requirement to the Director of Development Services Department.

The above mitigation monitoring and reporting program will require additional fees and/or deposits to be collected prior to the issuance of building permits, certificates of occupancy and/or final maps to ensure the successful completion of the monitoring program.

### VI. PUBLIC REVIEW DISTRIBUTION:

US Fish & Wildlife Service (23)

Draft copies or notice of this Mitigated Negative Declaration were distributed to:

California Department of Fish and Game (32A) Coastal Commission (47) City of San Diego: Councilmember Peters, District 1 Development Services Department Library, La Jolla/Riford Branch Historical Resources Board (87) Sierra Club (165) Audubon Society (167) California Native Plant Society (170) Center for Biological Diversity (176) Endangered Habitats League (182) Jerry Schaefer, Ph.D. (209) South Coastal Information Center (SCIC/SDSU) (210) San Diego Archaeological Center (SDAC) (212) Save Our Heritage Organization (SOHO) (214) Ron Christman (215) Louis Guassac (215A) Clint Linton (215B) Carmen Lucas (206) Native American Heritage Commission (222) San Diego County Archaeological Society (SDCAS) (218)

Kumeyaay Cultural Repatriation Committee (KCRC) (225) Native American Distribution (Public Notice Only) (225A-R) La Jolla Shores Association (272)

La Jolla Town Council (273)

La Jolla Historical Society (274)

La Jolla Community Planning Association (275)

University of California, San Diego (277)

La Jolla Shores PDO Advisory Board (279)

La Jolla Light (280)

La Jollans for Responsible Planning (282)

Patricia K. Miller (283)

Carmel Mountain Conservancy (284)

Lynne Heidel, Worley Schwartz Garfield and Prairie

Jennifer Ayala, Ken Walker, M.W. Steele Group, Inc.

Mr. A.P. Winter

Ms. Mary Mosson

Dr. Ross M. Starr

Mr. Donald Wolochow

Sue and James Moore

Helen Boyden

Nancy Acevedo

Jessica and Richard Attiveh

Pat and Clive Granger

Ann Heinemann

Oliver Jones

Don and Diane Sullivan

Victor and Laurette Verbinski

Erwin Shustak, Shustak Jalil and Heller

George Carnevale

David Cooper

Gabriel and Kimberly Rebeiz

Deborah Shaul

Alexander Varon

## VII. RESULTS OF PUBLIC REVIEW:

- () No comments were received during the public input period.
- () Comments were received but did not address the draft Mitigated Negative Declaration finding or the accuracy/completeness of the Initial Study. No response is necessary. The letters are attached.
- (X) Comments addressing the findings of the draft Mitigated Negative Declaration and/or accuracy or completeness of the Initial Study were received during the public input period. The letters and responses follow.

Copies of the draft Mitigated Negative Declaration, the Mitigation, Monitoring and Reporting Program and any Initial Study material are available in the office of the Entitlements Division for review, or for purchase at the cost of reproduction.

Allison Sherwood

**Development Services Department** 

Analyst: Sherwood

August 13, 2008 Date of Draft Report

September 23, 2008 Date of Final Report

October 22, 2008 Date of Revised Final Report

November 13, 2008 Date of 2<sup>nd</sup> Revised Final

## HILLEL COMMENT LETTERS

| LETTER  | DATE      | COMMENTS          |
|---|-----------|-------------------|
|   |           |                   |
| A - Richard Attiyeh                                 | 9-3-2008  | A-1 through A-7   |
| B- Helen Boyden                                     | 9-3-2008  | B-1 through B-98  |
| C- George Carnevale                                 | 9-4-2008  | C-1               |
| D- David Cooper                                     | 9-3-2008  | D-1               |
| E- Sir Clive Granger                                | 8-18-2008 | E-1 through E-2   |
| F-Oliver Jones, M.D.                                | 8-23-2008 | F-1 through F-33  |
| G- La Jolla Community Planning Association          | 9-5-2008  | G-1 through G-15  |
| H- La Jolla Village Estates Homeowner's Association | 8-25-2008 | H-1 through H-17. |
| I – James Moore                                     | 8-31-2008 | I-1               |
| J – Sue Moore                                       | 9-1-2008  | J-1 through J-33  |
| K- Gabriel and Kimberly Rebeiz                      | 9-3-2008  | K-1 through K-10  |
| L – San Diego County<br>Archaeological Society      | 8-21-2008 | L-l               |
| M - Deborah Shaul                                   | 9-3-2008  | M-1 through M-4   |
| N- Ross M. Starr                                    | 8-26-2008 | N-1 through N-36  |
| O - Alexander Varon                                 | 9-3-2008  | O-1 through O-86  |

## **HILLEL COMMENT LETTERS**

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| A - Richard Attiyeh                                 | 9-3-2008  | A-1 through A-7   |
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| F - Oliver Jones, M.D.                              | 8-23-2008 | F-1 through F-33  |
| G- La Jolla Community Planning Association          | 9-5-2008  | G-1 through G-15  |
| H- La Jolla Village Estates Homeowner's Association | 8-25-2008 | H-1 through H-17. |
| I – James Moore                                     | 8-31-2008 | I-1               |
| J – Sue Moore                                       | 9-1-2008  | J-1 through J-33  |
| K- Gabriel and Kimberly Rebeiz                      | 9-3-2008  | K-1 through K-10  |
| L – San Diego County<br>Archaeological Society      | 8-21-2008 | L-1               |
| M – Deborah Shaul                                   | 9-3-2008  | M-1 through M-4   |
| N- Ross M. Starr                                    | 8-26-2008 | N-1 through N-36  |
| O - Alexander Varon                                 | 9-3-2008  | O-1 through O-86  |
| P – Jessica Attiyeh                                 | 9-3-2008  | P-1 through P-24  |

#### COMMENT LETTER A

#### Richard Attiyeh 8961 Nottingham Place La Jolla, CA 92037

September 3, 2008

Allison Sherwood Environmental Planner City of San Diego Development Services Center 1222 First Avenue MS 501 San Diego, CA 92101

Subject: Project No. 149437

Draft Mitigated Negative Declaration

Hillel of San Diego Site Development Permit Application

Dear Ms. Sherwood:

After a careful reading of your public notice of this draft MND, I strongly disagree with the recommended finding that the project will not have a significant effect on the environment for the following reasons:

- A1. 1. The project will not provide adequate on-site parking to meet the need during its numerous events throughout the year.
- A 2. The proposed off-site parking arrangements are too tenuous and are not guaranteed beyond a brief initial time period.
- A3. The inadequacy of the parking arrangements will have a significant deleterious impact on the single family neighborhood on which this project will be imposed. There is no question that many students and others attending Hillel events will choose to park along Cliffridge Avenue and Nottingham Place.
- 4. The entrance to the underground parking will be in a dangerous location. There is substantial traffic that turns onto La Jolla Scenic Way from La Jolla Village Drive, especially during hours when Hillel will have many of its events. Moreover, because of the underground parking plan, there will be delays for cars seeking to enter the onsite parking which will back up into traffic on La Jolla Scenic Way, which I believe will create an extremely dangerous condition for cars turning off of La Jolla Village Drive.
- A5. 5. The MND does not adequately address the implications of narrowing La Jolla Scenic Drive North between Cliffridge Avenue and La Jolla Scenic Way. This street has increasingly been used by commuters who wish to avoid the intersection of Torrey

#### RESPONSE TO COMMENTS

- A-1. Section V. of the Mitigated Negative Declaration (MND) includes parking mitigation which addresses special events to be held during the year. These measures include shared parking agreements, shuttle system, and an approved Transportation Demand and Parking Management plan.
- A-2. The parking mitigation measure #6 includes measures which will ensure that large activities be suspended if a shared parking agreement is cancelled and shall not continue until an equivalent plan is in place and approved by the Development Services Director.
- A-3. The MND discloses that there is a possibility that some students will park on surrounding streets. This on-street parking is available to any member of the public who chooses to use it. However, the TDPM plan has a provision that students not park on surrounding neighborhood streets or they will be asked to move their car or leave the Hillel facility.
- A-4. There is space on-site for up to four cars to queue for the garage entry and room for 8 cars to queue in the garage while waiting for parking.
- A-5 La Jolla Scenic Drive North is currently 36' curb to curb. The new width will be 34' curb to curb with the centerline of the street 18' from the Hillel side of the street curb and 16' from the residential side on the street curb. There will be a dimension of 12' curb to property line (parkway) along the Hillel side of the street and an existing 10' curb to property line dimension along the existing single family residential side of the street. Per the City of San Diego Street Design Manual, a residential local street with parking is 30'-34' with a parkway width of 10'. Hillel is providing a final build-out street width consistent with the largest width of a residential local street and a parkway consistent with a two lane collector street.

Pines Road, Torrey Pines Road North, and La Jolla Village Drive. The narrowing of this street could only make traffic more dangerous for families whose homes face onto it. This would be particularly significant where drivers turn from La Jolla Scenic Drive North onto La Jolla Scenic Way, and vice versa.

- 6. The draft MND does not clearly address the status of 8976 Cliffridge Avenue in the event that the project is approved. Contrary to previous assertions by Hillel, it appears that this single family home will be converted into an integral part of the student center. This would represent a "spot rezoning" that would set a terrible precedent for this neighborhood. If Hillel can do this, why can't anyone else who sees this neighborhood as an attractive location to set up a business that would service UCSD students and employees.
- 7. What is just as worrisome is the intention to convert permanently 8976 Cliffridge Avenue into Hillel business offices even if the project is not approved. In section 12 on page 8, the MND states that "No fewer than 6 on-site parking spaces shall be maintained on 8976 Cliffridge Avenue in the event that the proposed project is not constructed on Site 653...." I am shocked that the City of San Diego would approve such a change in zoning. If I recall correctly, thee years ago the City gave Hillel one year to cease using this home for business purposes. Yet nothing has changed.

What bothers me most about the MND and your intended approval of it is that it does not address the more general concerns widely shared by the neighborhood community buy the intrusion of a large student center into a family neighborhood. I simply cannot understand how our City government can have so little concern for the communities it is intended to serve.

Sincerely,

Richard Attiyeh

- A-6 As stated in the MND, 8976 Cliffridge Avenue will continue to be used for religious administrative offices for Hillel. No rezoning of the residence is required. The applicant will be required to obtain a building permit to change the occupancy for the religious office/bible study use.
- A-7 The administrative offices for this project are affiliated with Hillel of San Diego, a nation wide religious organization. The use is allowed in the La Jolla Shores Planned District Ordinance, Section 1510.0303(e).

#### COMMENT LETTER B



Allison Sherwood Environmental Planner. City of San Diego Development Services Center 1222 First Avenue MS501 San Diego, CA 92101

Re: Project No. 149437

Dear Ms. Sherwood:

B-1.

Thank you for sending me the Draft Mitigated Negative Declaration for this project.

The City of San Diego has prepared a Mitigated Negative Declaration (MND) for Project No. 149437. It conducted an initial study which determined that the proposed project could have a significant environmental effect in the areas of Paleontological Resources and Parking. It states that the mitigation proposed avoids or mitigates these potentially significant environmental effects and that preparation of an Environmental Impact Report is not necessary.

I believe that the process was flawed from the beginning. A careful review of documents provided by the applicant/City reveals that they contain many inaccuracies of varying degrees of importance and inadequate consideration of significant environmental effects. There are more significant environmental effects than are even discussed and some are just dismissed with a "no" answer. Some of these effects may be of greater significance than others but when added together (cumulative effect) they amount to a significant environmental effect that warrants an Environmental Impact Report(EIR). Additionally the Initial Study discussion has not taken into account recent governmental evaluations, ongoing environmental studies, scientific research and medical concerns for the environment and individual health.

Also, the mitigation proposed for parking violates the San Diego Municipal Code (MC) and the La Jolla Shores Planned District Ordinance (LJSPDO). The City identified in its Initial Study checklist an effect on local parking that cannot possibly be mitigated in a Single Family Zone(SF) No further discussion is made of this fact. The parking mitigation will be shown to be inadequate and based on false premises.

The insecuracies and inadequacies of the supporting reports lead to misleading conclusions. At least one study (Traffic) needs at best to be rewritten and possibly redone to reflect local conditions that impinge on the conclusions. Other studies (Air Quality, Noise, Water, Traffic) either do not take into account the effects that will occur during construction, or do not take account of the effect on the single family homes to the east, or do not make use of studies and actions that have occurred since the MND for project 6098 was prepared in the fall of 2004.

Because of these deficiencies in the MND and reports on which it is based, a full Environmental Impact Report needs to be done and presented to the community for

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Associated attachments included with this comment letter are not included in the distribution of the Final MND due to the large volume of material. These attachments can be reviewed in the offices of Development Services Department.

- B-1 Through the initial study phase of the environmental review of the proposed project it was determined that there are no significant, unmitigated environmental impacts and therefore an Environmental Impact Report is not required.
- B-2 68 parking spaces are required by code for the 200 seat student center, and 68 parking spaces (through the use of 28 32 parking lifts) are provided on site. In addition, the project provides an additional 67 off-street parking spaces for Friday evening Shabbat services and an additional 75 parking spaces for occasional special events through shared parking agreements.
- B-3 All technical studies associated with the project have been revised/updated since the 2004 project. All mitigation identified for significant impacts associated with paleontological resources and parking are incorporated as conditions of the grading permit and Site Development permit which will be adhered to during the construction phase of the project, as well as post-construction.
- Refer to comment B-1.

#### comments before the project can go forward.

Below, I will outline the deficiencies in the MND.

SUBJECT: This paragraph as it appears in the cover letter and the contents page of the MND does not augur well for the rest of the document. In these two instances it refers to the PROJECT NO. 6098.

Skipping forward to the Initial Study for Project 149437 (where the number is correct in the SUBJECT), I make the following comments, keyed to the headings in the MND document.

#### I. Purpose and Main Features.

- 1. "to allow continued operation of administrative offices in the existing single family residence." (line 3) The LJSPDO §1510.0102 (e) allows Churches, temples, or buildings of a permanent nature, used primarily for religious purposes. The use is described here as administrative offices and in Cycle 12 (6/30/08) p. 12 as commercial use. This has been described as temporary. However, examination of the two parking alternatives for this
- described as temporary. However, examination of the two parking alternatives for this site, Figures 4 and 5 in the MND, shows that one scenario, Parking Alternative Two, is obviously only possible if Phase Two of the project is denied. In Alternative Two the house at 8976 Cliffridge is presented as a building with five offices with 6 parking spaces creating by removing the present garage and paving over a large portion of the yard, connecting to the current cul-de-sac where the present driveway is. In fact, the findings provided by M.W. Steele Group, Inc. and viewed at the La Jolla Public Library include the statement "The second deviation for Phase I is if Phase II is not permitted and therefore the change of use of the house is made permanent, instead of temporary." This Change of Use was not referred to on the Notice of Application, but is noted on the drawings and referred to here with the euphemism "continued operation of administrative offices." It should be noted that these administrative offices serve more than UCSD students; they are the headquarters of the entire Hillel of San Diego, which has branch activities at San Diego State University and other institutions of higher learning (Hillel around San Diego), including graduate students throughout the San Diego area (Ref. http://hillelsd.org listing of La Jolla phone numbers for the Executive Director, Development Director and the Development and Program Coordinator). The telephone numbers of the latter two positions are in a "run" with those of staff identified specifically for UCSD activities. Also note that the M.W. Steele findings cited above include the information that Hillel "strives to be a vibrant Jewish presence for UCSD students."
- B-7.

  2. ".. vacant lot, formerly known and (sic) Site 653 and now owned by Hillel of San Diego). The sale of this lot to Hillel of San Diego is currently under litigation in the Court of Appeal. Hillel does not have clear title to this lot and the street vacations have been disallowed by a San Diego Superior Court judgment. The previous MND for Project 6098 has also be found to be defective by the Court and the decision stands pending court resolution to the contrary. Additional defects in this MND are under review by the Court

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|     | to reflect the current project number, 149437.  |
|-----|---|
| B-6 | Consistent with the Community Plan land use designation, the properties are zoned Single Family (SF) in the La Jolla Shores Planned District Ordinance (LJSPDO). The LJSPDO permits churches, temples or buildings of a permanent nature, used primarily for religious purposes in the SF zone. The Phase I religiou use of a single-family residence will terminate upon occupancy approval of the Phase II development and revert back to use as a residence. |
| B-7 | The previous permits will be rescinded concurrently with approval of the current application. Ownership of the site is not relevant to the environmental review. The sale of the land (Site 653) to Hillel was confirmed by the judge. The judge instructed Hillel to return to the City and amend the environmental deficiencies of the MND, limited in the judge's opinion to pedestrian impacts and a biological study of raptor habitat.                    |

Reference to project No. 6098 has been revised in the subject block of the MND

of Appeal.

8-8. 3. Adequate parking is not demonstrated in Figure 3; there is just a note about a subterranean garage.

4. Paragraph 2. As stated in Item 1 above, the project also proposes an unallowed Change of Use for the single family home at 8976 Cliffridge Av enue. This unapproved use has been going on for longer than four years and has been the subject of numerous complaints to Code Compliance which has done nothing. The permits granted by the City Council

- have been revoked by judgment of the San Diego Superior Court and even though this is under appeal, California 1094.5(g) states: "If an appeal is taken from the granting of the writ, the order or decision of the agency is stayed pending the determination of the appeal, unless the court to which the appeal is taken shall otherwise order." This would indicate that unless the appeals court rules otherwise, there is no permit for 8976 to operate as administrative offices.
- 8-lo. 5. Paragraph 3. "... the interior improvements to the existing single family residence . . are not specified. Other issues are discussed in Item 1 above.
- 8-11.

  6. Paragraph 4. This demonstrates that in addition to the multipurpose rooms to be used for assembly purposes, there offices of various types, a computer room, a library, a kitchen and a lounge (very, very large). This will figure in the calculation for needed parking.
  - 7. Paragraph 5. Exterior design as described here and shown on plans (Drawing A3.0) violates the LJSPDO design criteria. The drawing refers to a metal roof and metal trellis. LJSPDO §1510.0301 (c) (1) says that roofing materials shall be limited to wood shakes,
- B-12. wood shingles, clay tile, state or copper of good quality or other materials which would contribute to the character of the surrounding neighborhood. Hillel does not state that the metal roof will be copper, nor what it will be made of or look like. The metal trellis is apparently what is called out on the elevations page of the drawings (A3.0) as mechanical screening for the machinery located over the entrance to the subterranean garage opening onto La Jolla Scenic Way (LJSW) and also on the facade parallel to La Jolla Scenic Drive (LJSD). This screening is 30 to 40 feet in width and approximately the height of the building in those areas. In the LJDPO §1510.0402 such screen for service equipment is required to be of "construction and appearance similar to the main building." The predominant main building areas that are not "glazing" are made of stucco and stone veneer per elevations shown in the referred to drawing A3.0. I have seen metal trellis on the facades of parking garages on Torrey Pines Road near La Jolla Parkway. They are not seen in this single family neighborhood.
- 8. Paragraph 6. The subterranean garage and its capacity, including lifts is subject to dispute both from the required capacity and safety and other considerations.
  9. Paragraph 7. The proposed grading estimate of 8000 cubic yard to be cut with a maximum depth of cut of 10 feet is patently inaccurate. Figure No. 2 of the MND shows
- B-14. the current elevations of the lot. These are also shown more clearly on Drawing C1.0. Figure 3.0 shows the limit line (#7) of the subterranean garage. The elevations are also shown on Drawing C4.0. Comparing these one can see that almost all of the area of

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#### 3-8 Refer to comment B-1.

- B-9 The continued use of 8976 Cliffridge as Hillel offices is consistent with the Community Plan land use designation and zoning regulations. The Single Family (SF)zone in the La Jolla Shores Planned District Ordinance (LJSPDO) permits churches, temples or buildings of a permanent nature, used primarily for religious purposes in the SF zone. The Phase I primarily religious use of a single-family residence is consistent with this definition.
- B-10 Interior improvements would not affect the administrative use of the single family residence and therefore would have no impact on the parking. Interior improvements as required will be designed per the current building code during the building permit process for Phase I.
- B-11 The San Diego Municipal Code per Table 142-05F "Parking ratios for Specified Non-Residential Uses" stipulates that the parking required for churches and places of religious assembly as 1 per 3 seats, 1 per 60 inches of pew space or 30 per 1,000 square feet of area. If the site is within a transit area, 85% of the parking ratio is required. However the site is in a parking impact area which negates this possible reduction in parking spaces. The occupancy of the structure is capped at 200 people (except for special events); therefore the parking requirement is based upon 200 seats or 68 parking spaces.
- B-12 The project is consistent with the policies contained in the La Jolla Community Plan to build out residential areas with development that is consistent with the surrounding area's residential character. The project is designed to blend with the scale and character of the surrounding residential uses with, similar setbacks, residential massing, warm materials, landscape berms and native vegetation. The building maintains a single story scale with a combination of flat and sloping roofs to provide articulation. The project is below the height and coverage requirements of the zone.
- B-13 The project is providing parking as required by code onsite, and additional spaces off-site with a shuttle service during peak hour use Friday night Shabbat services and occasional special events. The lifts will be installed, used and maintained per manufacturer's specifications for the frequency of use required by Hillel. The lifts will be required to be fully operational at all times in order to maintain occupancy of 200 for Friday night Shabbat services.
- B-14 The approximate area of the garage is 16, 575 square feet. The garage floor elevation is 391.3'. Assuming a 12' structural section, the rough sub-grade elevation is 390.3'. The average grade above the garage is 405.3'. The average depth of cut from existing ground to garage sub-grade in 15'. This equals a total

subterranean garage lies underneath areas that have a higher current elevation than the finished floor of the main floor (403.5') (Drawing A4.0) Also shown on section Drawing A4.0 is the depth of 14'4" of the garage floor with respect to the finished floor. The existing grade is also shown in this section. Drawing C1.0 shows that much of the existing grade is at 405' and 406' and above. The maximum cut will be therefore be at least 16 feet. Taking the cited square footage of the garage to be 17,000 square feet and an average depth of 14.5 feet (a conservative figure) one can calculate the volume of dirt (converted to cubic yards) to be 9130 cubic yards. It is likely more.

10. Paragraph 8. It must be noted that the landscaping will not obscure the metal trellis proposed to screen equipment located above the entrance to the garage. Also noted are the hardscaped areas proposed on the north and south portion of the site.

B-15.

B-19.

The above discussion of the Project's Purpose and Main Features shows that the project violates a number of provisions of the La Jolla Shores Planned District Ordinance. These provisions were codified to establish many environmentally significant standards and to protect the area's distinctive residential character. It also provide for areas where commercial buildings could be constructed and operated. Buildings in the single family areas are supposed to look like single family residences, not residence sized buildings having large outdoor paved parking areas (8976) or large buildings with commercially appropriate facade details. Additionally, in this, virtually the only reference to the construction phase, significant errors were made.

These are significant errors which needed to be mitigated and should have been addressed by a full Environmental Impact Report. Others may come to other conclusions but I believed to be based on fact.

In section IV. Discussion, a number of significant issues are not addressed at all. Of the ones that

B-18. The *Paleontological Resources* section repeats the mistake in excavation volume mentioned in item 8 above.

In the Archaeological Resources section, the supporting report "A Cultural Resources Study for the Hillel of San Diego La Jolla Project" (§3.0 Setting, 3.2.2 including, History of the La Jolla Area) was apparently prepared for another project (Klemm residence, p. 3.0-7) and refers to "La Jolla Vista Tract" and "La Jolla Vista subdivision." It calls out the La Jolla Beach and Tennis Club as being north of the project site and the Spindrift Inn being northwest of the subject property. These directions would be correct for the Klemm residence (1732 Castellana Rd, La Jolla Community Planning Association Agenda, Feb. 7, 2008), but not the current project. 8976 Cliffridge Avenue is in the La Jolla Highlands subdivision, Map 3528 and Site 653 was still listed as a portion of Pueblo Lot 1299. The significance of this error cannot be determined by me, but it underlines the lack of care that was taken in making this report.

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- of 9,200 cubic yards of excavation for the garage. The MND has been revised to reflect the change in grading quantities and depth.
- B-15 The depth of cut for the garage is intended to be the maximum cut value.

  Likewise, structural excavation for a garage or basement is not typically included in the earthwork quantities for a site for grading plans. This is a rough quantity provided for the environmental review purposes.
- B-16 The screening of the mechanical equipment is intended to blend aesthetically with the facility while also allowing necessary air flow for the concealed mechanical equipment.

- B-17 The project is consistent with the policies contained in the La Jolla Community Plan to build out residential areas with development that is consistent with the surrounding area's residential character. The project is designed to blend with the scale and character of the surrounding residential uses with, similar setbacks, residential massing, compatible materials, landscape berms, and native vegetation. The building maintains a single story scale with a combination of flat and sloping roofs to provide articulation. The project is below the height and coverage regulations for the zone.
- B-18 Refer to comment B-13.
- B-19 There is a typographical error in the study. The statement on page 3.0-7 under the heading "History of the La Jolla area" should read "A limited research effort was initiated in order to characterize the circumstances of the early development of La Jolla so that current project could be placed in context with the surrounding community."

Biological Resources Evaluating the biological report is fraught with complexity because Site 653 has been the focus of controversy and ongoing litigation with respect to raptors and trees. Area residents note that several eucalyptus trees on the property were cut down during the widening of LJVD. The City has maintained this was accidental. Others maintain that there was a work order to remove them. A former resident reported seeing raptors perching on these tall trees. At present there appears to be, according to Figure 2 in the MND, one large eucalyptus tree and seven smaller trees/bushes on site 653 and the adjacent rights-of-way proposed to be vacated. However, directly across the 6-lane, 4-lane and 2-lane streets that border the proposed site are substantial stands of cultivated yards, institutional plantings and parklike areas which might prove inviting to nesting birds. Their behavior might be influenced by the construction process.

Developer grading and resident choices have caused stands of dense vegetation to develop. These are the home of various small animals and nesting birds. Directly to the west on University of California. San Diego (UCSD) property is an area some of which will be kept undeveloped even as the University enters into contracts with entities such as the Venter Institute. I believe that, subsequent to the fires of fall 2007, the areas adjacent to Site 653 have seen an increase of perching birds, including raptors, in addition to the raptors that had been frequently seen soaring overhead and diving into nearby canyons. Shortly after the fires. I observed what I believe was a sharp-shinned hawk (size, tail markings and behavior) perched in a bottle brush tree at the rear of our property and then all of a sudden diving down into the dense vegetation in the yard below. Small mammals are known to inhabit the hillsides. Almost as startling was the appearance several days last winter of a largish captor with a distinctive barred tail perched on the dish antenna that can be seen over the roofton of the single story house across the street from my home. It was never seen to fly away and only its back and hunched down head and shoulders were viewed. It was harassed by some crows. It had the barred tail of a Cooper's hawk, but the heavily patterned back, chunky shape and somewhat rusty shoulders area made me wonder if it was a redshouldered hawk.

R-11.

B-23.

While the incidence of sensitive bird species or nesting raptors on the site may be of low potential, there are always raptors around that might be disturbed by construction activity during their nesting period. I feel that raptor presence in the neighborhood as a whole should have been evaluated and that it is an environmental issue of some significance. It should have also been cumulated with all the other potential impacts considered by the MND.

Noise- The Recon Study focuses solely on the noise levels from traffic now and and in the future (2030) based partially on the traffic studies made by Linscott, Law and Greenspan for this project. It considers inside and outside noise levels and determines that outside at the northeast patio; there would be an increase in noise, but less than the threshold needed for mitigating measures. This report makes no mention of any noise emanating from the student center and its effect on the SF neighborhoods to the south and east.

Two sentences apparently written by San Diego City staff state: "In addition, the northeast patio

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B-20 Given the noise and activity currently associated with the traffic on La Jolla Village Drive adjacent to the site, it is not anticipated that the construction activities from the project would affect wildlife use of off-site areas. B-21 Refer to comment B-20. B-22 Refer to comment B-20. B-23 The noise environment is dominated by the traffic on La Jolla Village Drive. La Jolla Scenic Way, and Torrey Pines Road. Noise levels at the patios are not anticipated to appreciable affect the ambient noise. All events at Hillel will conclude at 10 p.m.

is not a required outdoor space by the City of San Diego and the patio would be used in a limited capacity. Therefore, the proposed project would not result in a significant noise impact and no mitigation is required." Whether or not the northeast patio is a required outdoor space is not germane. The northeast patio is there and measurements (as best as I can read the numbers) called out on Drawing A2.3 indicate that it extends about 47' along the east side of the building, facing La Jolla Scenic Way (LJSW) and the single family housing development across the street. Although group activities may not be scheduled on the patio, it is of substantial size and has a door opening from the lounge area inside. It appears to be partially roofed and would be an attractive outside hangout for sizeable groups of students during many Friday nights of the school year. The backyards of La Jolla Village Estates(LJVE) residents on Cto. Verano are directly across the street. The homes were not built with air conditioning, windows will be open, people will want to enjoy their back yards. Additionally, also on this east face of the project, a screened mechanical equipment area about 27.5' wide, is located over the entrance to the garage. The garage has a mechanical gate that will be opened and closed to accommodate vehicles. Some estimate should have been made of the amount of noise these activities would add to the increased B-24. traffic noise. This is potentially a significant noise impact on the community to the east. There are also smaller patios on the south/southwest face of the building that fronts on LJSD. The environmental effect of additional noise should have been considered in the environmental evaluation. It should have also been cumulated with all the other potential impacts considered by the MND. A full Environmental Impact Report should have been prepared.

#### Water Quality/Hydrology

The MND states that the Nasland Water Quality Technical Report "presents which Best Management Practices will be utilized pre- and post-construction . . ." Whether or not that is the case, this statement indicates that the City is not concerned with any water quality effect during the construction period itself. None of the four paragraphs in this section of the MND address practices during construction. I believe that this alone indicates that the MND fails to address significant environmental effects and that an full Environmental Impact Report should have been prepared.

- With the respect to the Nasland report itself (dated May 22, 2008) the following comments can be made. The report states that for post-construction evaluation, this area is considered "Priority" for Best Management Practices (BMPs) and in the construction period a "High Priority" designation for BMPs shall apply, calling into play the requirement for advance treatment requirements which are never specified. (The MND ignores this.)
  - §3.1 of the report delineates three water drainage basins on the site at present: one goes into the Scripps basin, which was referred to in establishing the Priority and High Priority BMP designations; another goes down La Jolla Village Drive; the other goes into the Torrey Pines Road gutter line. The final outflow of the latter two is not specified. The MND does not distinguish between the existing conditions and the proposed conditions and refers incorrectly to four drainage basins in the proposed conditions; the Nasland

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- B-24 The garage roll up door will be required to stay open during events as a condition of the permit. Noise levels due to an intercom speaker would be insignificant compared to vehicle traffic noise on area roadways and the overall ambient noise levels. It is highly unlikely that the intercom noise at the garage entrance would be audible at the neighboring residences 120 feet away. Further, the intercom would not produce noise consistently for any one hour period and would not contribute significantly to one hour average ambient noise levels. In addition, elevators and mechanical equipment would be located within the proposed garage. Noise levels due to this equipment would not be audible outside the facility and would not be audible at the neighboring residences. Any mechanical ventilation equipment located on the roof of the project would be well over 100 feet away from any residential unit. Although the poise level that is generated from this equipment is not specifically known, due to the distance between the residential units and the Hillel facility and the type of equipment it is unlikely that the noise would ever exceed the allowable level for nighttime hours (45 dB), per San Diego Municipal Code section 59.5.0401.
- B-25 Construction phase water quality and construction phase BMPs are accounted for in a Storm Water Pollution Prevention Plan (SWPPP) (sites > lacre) or Water Pollution Control Plan (WPCP) in the City of San Diego (sites =< lacre). These documents are not required until the final design phase. They relate specifically to the construction phase of work. The WQ technical report is for post construction permanent BMPs. The WQTR includes a drainage study, or reference to a separate drainage study. In this case Hillel included a preliminary drainage study in the WQTR by way of Exhibits A and B. While the building area is less than one acre, the total limits of disturbed area of the site during construction currently identified will exceed one acre. Therefore a SWPPP rather than a WPCP will be required and will be provided in conjunction with the construction documents as required by the City and the State.
- B-26 The MND does not ignore any discussion on post-construction BMPs, as can be noted on page 9 of the initial study, last paragraph. Sections 5 and 6 of the WQTR identify the post-construction BMPs to be implemented. These include such things as controlling irrigation fertilizers, pesticides, creating pervious areas, and a hydrodynamic separator (CDS unit) to treat runoff from the roof and patio areas of the building. A number of other BMP methods are covered.



report says there are five, another error in the MND which has been caught by the recent Cycle Issue report.

The Nasland report deals only with the federal Clean Water Act in determining which pollutants are of concern.

- § 4.1 Watershed says, "The Hillel Center of U.C.S.D. site is within the Scipps (sic) Hydrologic Area designated as HA 6.30. Under Section 303(d), June 28, 2007 edition of the federal Clean Water Act (CWA), HA 6.30, CALWATER Watershed 90630000 . . . The pollutants/stressors are identified as 'bacterial indicators'".
- §4.2.1 Lists as Trash and debris and oil and grease as the anticipated pollutants from a commercial office site (category in which Nasland puts the Hillel Student Center) and potential pollutants to be sediment, nutrients, organic compounds, oxygen demanding substances, pesticides associated with landscaping, bacteria and viruses and pesticides. Also given as a reference is the City of San Diego Land Development Manual Storm Water Standards (Draft March 24, 2008)
- §4.2.2 deals with Receiving Waters and cites the La Shores area of concern to be at El Paseo Grande.
- §4.2.3 Concludes that "bacterial indicators" are the only match for the CWA pollutants of concern for the watershed that might emanate from the Student Center.
- Page 13 of the Nasland report, see next page inserted very clearly states that "The listing for indicator bacteria only applies to the Children's Pool Beach area of this [3.9 mile] ocean shoreline segment." This does not seem to apply to El Paseo Grande.

However, other state and local agencies and studies seem to be going forward with studies of the effect of pollutants on marine life at the present time.

La Jolla Shores Coastal Watershed Management Plan (WMP) Final Report dated January 31, 2008 has the City of San Diego, UCSD, Scripps Institution of Oceanography and San Diego Coastkeeper as the participants and authors. This lengthy report is concerned with Areas of Special Biological Significance (ASBS). These are areas designated by the State of California as needing special protection because of their unique and diverse habitats that support a variety of marine species. The goal was to adopt a plan to protect and improve water quality in two areas off shore at La Jolla Shores Beach. Studies have been made, pollutants of concern have been identified and strategies are proposed. This study can be viewed at the URL: <a href="http://www.sandiego.gov/thinkblue/pdf/08021jwmp.pdf">http://www.sandiego.gov/thinkblue/pdf/08021jwmp.pdf</a>

Table 4, on Page 36 of 124 (inserted immediately following this page) WMP shows that Turbidity

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The priority designation of a site indicates the frequency of Agency inspection during construction. The construction BMP requirements are determined on a site -by-site basis. Appropriate construction phase BMPs will be addressed with the SWPPP. Since a site SWPPP is a living document, the site SWPPP BMPs will be installed, inspected and adjusted as necessary during the course of construction.

The WQTR, like the eventual SWPPP, are living documents and are meant to be amended as time and conditions dictate. Also, a site specific drainage study will be submitted with the construction documents. Only a preliminary drainage study is needed for the WQTR.

B-27 The drainage basins are correct as shown for the pre-construction and proposed post-construction conditions. There are three "existing" basins. There are four exterior basins around the new building with the building footprint creating a 5<sup>th</sup> basin as noted in Ms. Boyden's comments.

B-28 There is no need to include any discussion about the La Jolla Coastal Watershed Management Plan due to the fact that the requirement for a WQTR already covers site specific water quality issues. (sediment) is a High Priority Pollutant: Erosion from development, Landscaping, and Run-off from Undeveloped Spaces are among the potential sources. It will occur with wet weather flow and is considered to have severe impact. Bacterial Indicators are also of High Priority, occur in both dry and wet weather and are of Heavy Impact (one step below, Severe).

Review of area maps presented in this report show that although the site 653 triangular piece of land does not appear to be within the La Jolla Shores Coastal Watershed, the Right-of-Way on LJSD and cul-de-sac vacation requested by the project are within the boundaries and 8976 Cliffridge Avenue are. (See Figure 10 from the report, next sheet.) The existing drainage Basin 3 and, at least proposed Basins D and E, will flow into the drainage systems of concern to the La Jolla Shores Coastal Watershed Management Plan. No specifications are given by Nasland as to drainage during construction, except that BMPs will be used.

One of the tools to be used by the WMP is a targeted aggressive street sweeping program with a pilot phase beginning this year. According to the City of San Diego ThinkBlue program (presented at the LJSA earlier this year), the La Jolla Shores area is scheduled to be a participant in this phase, scheduled to begin September 2, 2008 and continue through May 2010. A number of La Jolla streets would have more frequent street sweeping. The details of this program can be found at the URL http://www.sandiego.gov/thinkblue/programs/spprojects/index.shtml .The sweeping will include Torrey Pines Road (TPR) adjacent to 653 and the proposed vacations, which according to the Nasland WQTR presently receives and will receive in the post-construction period drainage into its gutter from basins cited in the previous paragraph. Torrey Pines Road is called out by the program to be on Sweeping Route 4D. Details and partial views of the sweeping routes are seen on Maps #3-A and B, inserted on pages following.

It has been shown that the Nasland report has incorrectly reported an area of concern to the CWA and failed to take notice of an important State and City sponsored project that directly affects the subject project and vice versa. The effect of each one on the other cannot be known, but the subject project drainage is and will continue to be partially into the La Jolla Shores Coastal Watershed. This demonstrates a significant inadequacy in the MND and needs to be

Transportation/Parking I have reviewed the MND and the traffic study prepared by Linscott, Law and Greenspan (LLG).

Not considered by the LLG report in its consideration of Cumulative Projects and the 2030 scenario and not decided by the time of the report is one very important widely known future traffic impact, that of the major expansion and remaking of the Westfield/UTC shopping center. The traffic study essentially ends at the border of the La Jolla Community Planning Area with the University City Community Planning Area. La Jolla Village Drive continues on past Interstate 5 and past Genesee Avenue, the location of the Westfield/UTC shopping center. The City Council recently passed (July 29, 2008) the major expansion and remaking of this shopping center which

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B-29 There are no other additional requirements anticipated other than the WQTR and eventually the SWPPP for construction phase BMPs. B-30 Through implementation of the post-construction BMPs identified in Sections 5 and 6 of the WOTR Hillel has satisfactorily addressed the post-construction BMPs for the site. As noted above, construction phase BMPs will be addressed with SWPPP at the appropriate time. B-31 The east boundary of the study area for the Hillel project is the La Jolla Village Drive/La Jolla Scenic Way intersection, west of I-5. The UTC expansion project study area does not include the portion of La Jolla Village Drive at La Jolla Scenic Way which is direct evidence that this project does not add a substantial amount of traffic to the Hillel study area. Therefore, including the UTC expansion as a cumulative project was not warranted. The 2004 traffic analysis is not applicable to this project, it was included as a reference only in the MND.

Q

will increase traffic in the overall area. On July 30, 2008, a San Diego Union Tribune article stated, "The revitalized UTC is expected to bring an additional 18,000 car trips daily to the area." This is a substantial environmental effect that can be reasonably expected to affect traffic along heavily traveled La Jolla Village Drive as far away as UCSD. It had been discussed in the community for many months and should have been noted in the Draft MND, dated August 14, 2008. This demonstrates that the MND was inadequate and should be redrafted.

I will next consider the text of the MND and then the traffic study.

Paragraph 1. The MND refers to the Kimley-Horn and Associates, Inc. of May 11, 2004 which 1 do not have access to other than as referred to in the LLG study. The Kimley-Horn report was judged flawed by Judge Linda Quinn of San Diego Superior Court.

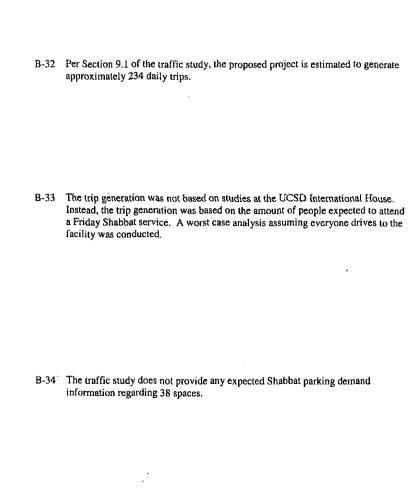
Paragraph 2. It is not entirely clear where the 141 and 216 come from. No documentation is provided for the two surveys and profile of Jewish students at UCSD. This is inadequate. The one page from the Kimley-Horn study provided in the LLG seems to refer to this, but the schools are not listed. In addition, as shown in the response by Jessica Attiyeh to the MND for Project 6098, other UC schools and the Hillet's located at them are not similar to UCSD. (An item between D-6 and D-7 and not commented on by City staff.) I have personal recent knowledge of the location of Hillel at UC Berkeley-on a block with a restaurant and three fraternities, across the street from the main building of the Boalt School of Law with International House at the end of the street. Mr. Joshua Richman, who has been representing Hillel at community meetings discussed the UCSD study at the August 26, 2008, meeting of the Permit Review Committee, a subcommittee of the La Jolla Community Planning Association (LJCPA). It was learned that Shabbat services currently take place at the UCSD International House. There is only a very small parking lot adjacent to 1-House, so the results of these studies can not be transferred to the proposed center. The MND analysis of the average daily trips for Shabbat observances is flawed and is also not transferable to special events. The MND is inadequate in this respect.

I did not not count as paragraphs the list shof intersections or roadway segments. It should be noted that La Jolla Village Drive becomes North Torrey Pines Road at the intersection of it with Torrey Pines Road.

Paragraphs 4 and 5. No comment.

Paragraph 6. The need for 38 parking spaces appears to come out of nowhere. The surveys referred to in paragraph two are flawed. In paragraph two, 141 daily trips for the weekly Shabbat services are mentioned. I had assumed that this was driving trips, but possibly it was combined cars and walking or even attendance. This can not be determined from the LLG report. The expectation of the need for 38 spaces does say whether it includes staff, parking attendants, kitchen/catering personnel who would be expected to also park in the garage. This number is unsubstantiated and without foundation and therefore the MND is inadequate and inaccurate.

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Before discussing the parking further I would like to turn to the LLG report.

The LLG Traffic Impact Analysis was based on studies conducted by True Count for LLG by doing traffic counts at the cited street segments and intersections on April 4 and May 16, 2008, according to the printouts in Appendix A. MetroCount Traffic Executive made event counts reported from 0:00 Friday April 4 to 0:00 Saturday April 5 in 15 minute intervals. (Appendix A LLG Report) It should be noted that the La Jolla Playhouse, according to my subscriber's brochure, was dark on those two dates and the entire weekend, so it did not contribute to the Existing Traffic and Parking demands.

To evaluate the LLG study:

B-35.

Traffic study conceptual plan (Figure 2.1 - Site Plan) does not show the ramp (see sample sheet following) leading from the southeast corner of LJVD and LJSW leading to Gilman Drive. This ramp is clearly shown in Figure 2 of the MND, but is omitted from Figure 3 of the MND). Therefore intersection of LJVD and LJSW is mischaracterized throughout the entire study, as it omits any consideration of how traffic taking the ramp down to Gilman will line up on TPR. This is a significant error leading to misinterpretation of the traffic counts and traffic circulation. Therefore the entire traffic study is inadequate and thus invalidated. This figure also identifies the neighborhood to the east of LISW as multi-family. This is incorrect. These are single family homes.

Also the names of the one road segment is incorrect. La Jolla Village Drive ends at Torrey Pines Road; it then becomes North Torrey Pines Road.

It was a mistake not to analyze LISW/LJSD and LJSD/Deseo at all time periods as these are the roads used by residents.

- Figure 3.1 Existing Conditions Diagram does not show the off-ramp to Gilman or bike lanes. It shows only one of the possible U-turns, from traffic headed east at the corner of LJVD and TPR to turn and go west. It does not show the U-turn possibility from northbound to southbound TPR at LJVD nor the northbound to southbound U-turn possibility on LJSW at LJVD. All of these intersections are controlled by traffic lights with guarded left turns. It also does not show the southbound to northbound U-turn possibility from the left turn lane on LJSD at Cto. Deseo which has no signal or stop sign. These features become important when the traffic is analyzed rather than just counted. No traffic counts are given on this diagram.
- Figure 3.2 (a) Existing Peak Hour Traffic Volumes (Friday AM, PM and ADT) does not consider eastbound traffic on LJV which goes down the offramp to Gilman; it does not break out the northbound traffic on LJSW which makes a legal U-Turn at LJVD, nor that on northbound TPR which makes a U-Turn at LJVD. It considers only left turns at these intersections.

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B-35 Figure 2-1 depicts the site plan for the project. It is not intended to show off-site roadway network such as the Gilman Drive ramps. Also see comment B-37 below, regarding the analysis of the La Jolla Scenic Way/La Jolla Scenic Drive and La Jolla Scenic Drive/Caminito Deseo intersections.

- B-36 Figure 3-2 of the traffic analysis shows the traffic volumes. Volumes are intentionally not shown on Figure 3-1. All of the locations where u-turns are allowed were taken into account in the analysis and u-turns are included in the base traffic counts. As depicted in Figures 9-2 (a) & 9-2 (b), the southbound to northbound u-turn was accounted for at the La Jolla Shores Drive North/Caminito Deseo intersection.
- B-37 The Gilman Avenue off-ramp is not shown on Figure 3-2 (a) because the project adds much less than 50 peak hour trips to this location, the amount requiring analysis based on City of San Diego Guidelines. The project is expected to add about 5 AM/PM peak hour trips to this off-ramp. Roadways and intersections that receive over 50 peak hour trips from the project require analysis. Figure 9-2 (a) of the traffic study shows that the project is forecasted to add a maximum of 11 am/pm peak hour trips to the La Jolla Scenic Way/La Jolla Scenic Drive North or La Jolla Scenic Drive North/Caminito Deseo intersection. Therefore, any analysis of these intersections during the AM and PM peak time periods is not warranted.

- 11

The study design mistakenly omitted counts at the intersections of LHSD / LJSW and at the intersection of LJSD /Cto. Deseo, because they were not at the projected peak time return home time. No account was taken of any effect that inbound traffic to the project garage in the PM period was made. If the garage is full, people turned away might be using these intersections and U-turns. This amounts to drawing a conclusion before the study was done. So the traffic study is inadequnte.

Figure 3.2 (b) Existing Peak Hour Traffic Volumes (Friday Midday, Evening and ADT) has the same problems as 3.2 (a). It now includes the traffic volumes at the intersections of LJSW/LJSD and LJSD/Deseo, but does not show U-turns at Deseo. Therefore there is no baseline for the Projected studies. The equipment used or the analysis made does not discriminate between left turns and U-turns. For these two reasons the traffic study is inadequate.

Figures 7.1 and 8.1 which estimate the Cumulative and Cumulative + Existing Traffic Counts suffer the same problems as 3.1 and 3.2 (a) and (b) in that they do not consider U-turns or traffic going down the Gilman ramp and for the same reasons the Traffic Study is inadequate. Additionally, since the UCSD long range plan was prepared, community groups including La Jolla Shores Association (LJSA) have been informed that the Venter Institute to be constructed on the UCSD owned property at the southwest corner, across TPR from the project site will have a driveway opening onto TPR instead of Expedition Way. Also opening onto this road section is the driveway from the Willis Allen Soccer Field. Persons coming out of these areas must turn south on TPR and might then make a U-turn at the TPR/Glenbrook traffic light and head toward LJVD or turn into Cliffridge Avenue. Thus the Cumulative, long or short term, and 2030 projections for these areas do not take all factors into account. Therefore the Transportation Study is inadequate.

Section 9.1 and the MND refer to studies at Hillel Student Centers at three other University of California campuses (in Appendix F) and various other religious institutions in other states. Unfortunately, only UCSB is mentioned on this one page taken from a multi-page report. UCSD and its non-campus neighborhood is in no way similar to other UC institutions. (MND from project 6098, Comments of Jessica Attiyeh between D-6 and D-7) and therefore no valid conclusions can be drawn. Therefore these conclusions are based on incomplete and invalid information and demonstrate that the Transportation Study in inadequate.

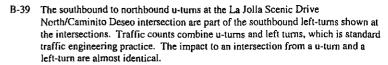
Table 9-1 Takes into account only regular staff and students expecting to attend the event. It makes no mention of parking attendants, catering staff, delivery persons, garbage collectors that might be expected to visit the facility on a Friday. This may not figure prominently in the traffic into and out of the garage, but it will be important in analyzing the capacity of the garage.

Therefore the Transportation Study is inadequate and inaccurate.

Section 9.2. In discussing the U-turns that the study assumes will be made by students leaving the garage and does not allow for the possibility that students will have some other destination. It also

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| B-38 | As evidenced in Table 13-1 of the traffic study, the project generates only a total   |
|------|---|
|      | of 12 and 10 trips to the AM and PM peak hours, respectively. The amount of   |
|      | traffic therefore added to the two intersections mentioned in the comment is only a portion o the total trip generation, less than 10 peak hour trips. This small |
|      | amount is not enough to warrant an analysis.  |
|      |   |



B-40 Refer to comments B-37 and B-39. The changes to driveways on Torrey Pines Road will not change the traffic projections or the results of the analysis.

B-41 The information from the other campuses was only used to estimate the vehicle occupancy rate (VOR) not the total trip generation. The other campuses data is appropriate to use for this purpose since VOR does not typically vary at different campuses.

B-42 The staff projections in the trip generation table take into account the typical Friday trips. There may be an occasional delivery or other miscellaneous trip, but the total of these types of trips would be extremely small and sporadic and would only add, at most a few ADT. The conclusions of the analysis would not change.

does not indicate the existence of a left turn pocket on southbound LJSD at Cto. Desco. This Uturn pocket will hold two or at most three cars waiting to make a U-turn. The road funnels from two lanes southbound into one at this point, making an impact on other traffic at this time of day. Traffic turning onto LJSW from LJVD arrives in two lanes from the east and one lane from the west. It can be shown that some of the traffic coming from the west in the extreme right lane, can do one of three things: make a right angle turn onto LJSW, bear right down the ramp to Gilman or continue on LJVD. The traffic study drawings do not and cannot distinguish between ramp traffic and LJVD traffic. A photograph (taken on November 8, 2007) provided with the Historical Section of parking on LJSD, destined to be eliminated by the project.

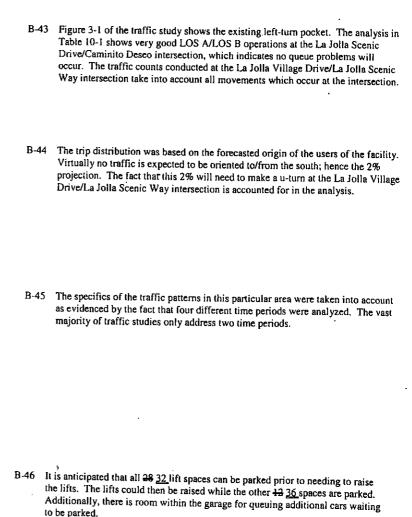
B-43.

Figure 9-1 Project Traffic Distribution speculates without foundation that only 2% of the project traffic will approach from the south on either Cliffridge Avenue or La Jolla Scenic Drive and will leave the same way. It also does not demonstrate that anyone coming from the south on either of these two streets will have to make a U-turn at the intersection of LJSW and LJVD in order to enter the garage. Other routes are available and the traffic report conclusions are speculation without foundation.

To sum up, the analysis of the traffic study fails to consider the the actual traffic patterns and traffic circulation that exist in the vicinity of the project. The count in two hour blocks does not take into account that traffic in the late afternoon is not dispersed evenly throughout the period. There are peaks and valleys depending on what is letting out at a particular time. I have been a resident of the area and am very familiar with this phenomenon. Much of the traffic from the north is heading for southbound I-5 via the ramp at Gilman. Making this choice rather than continuing on LJVD, makes it unnecessary to enter I-5 traffic if one is heading for Route 52. It also avoids the congestion at the light at the bottom of LJVD. Traffic heading for Gilman will move over to the right lane of LJVD here. There are two lanes of traffic turning right from TPR onto LJVD, though they do not come at the same time as through traffic (no right turn on red for pedestrian safety). They will bunch up and cross over while jockeying for position in this very short block between TPR and LJSW.

So now we add the cars coming from any direction wanting to get into the Student Center garage (the PM group which is not accounted for in the analysis) for the Shabbat service. This traffic will queue up in the right lane of LISW (no queuing lane is provided). When the lifts are in operation, each car will have to be turned over to the one parking attendant planned. The parking attendant will drive the car onto a lift, activate the lift and wait for it to rise-possibly forfly seconds, according to the manufacturer (Direct-Pro). The next car will wait until the attendant returns. When several arrive close together, there may be room for one in the driveway, but not more than three or four on LISW before the corner. They are blocking the right lane of traffic on LISW, with cars coming from either direction on LIVD in one or two lanes. The problem will become even more complicated when there is a special event when attendees may be turned away from the garage. They may wind up making a U-turn in a narrow 22 foot driveway which is on a 14% grade. These

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scenarios make it likely that the queue will not only block one lane on LJSW but will block traffic around the corner or traffic coming from the left turn lanes on LJVD.

Any conclusions about delays or traffic volume at the LISW/LIVD intersection or LIVD segment between TPR and LISW are invalid because of the failure to take into account the ramp from LIV down to Gilman and its forcing drivers into the right lane to enter the ramp. Therefore the Traffic Report and the MND are inaccurate and invalid. This traffic problem is a significant environmental effect and needs to be mitigated.

The LLG considers Special Events only briefly. The additional traffic is not analyzed because these [special] events are atypical. "It is not warranted to analyze a patronage amount of more than 200 since it occurs so rarely." However, we have seen that the larger number of attendees causes potentially lengthy delays at the garage entrance due to using lifts. Also not considered that when the special event occurs on a High Holiday like Rosh Hashanah, Yom Kippur or Passover, the two nearby synagogues within walking distance of the proposed Hillel Student Center will also be having services at the same time. The neighborhood bears a traffic and parking burden also from regular soccer league play and large tournaments attracting crowds from far away. These represent a cumulative effect and there needs to be an evaluation and mitigation.

B 48.

Parking which the MND declares mitigated in a satisfactory manner is a major example of the MND not concerning itself with a significant environmental effect on the surrounding neighborhood. The Initial Study is inadequate with respect to parking in that it does not evaluate the environmental effect on the neighborhood of the loss of many unrestricted public parking spaces which cannot be replaced. It does not concern itself with the loss of 12 out of 20 unrestricted parking spaces on the north side of LJSD, (Drawing 0.0 under the Parking Calculation heading). This a reduction of 60% of spaces which are now regularly used by students, bus commuters, theatergoers, all day visitors and workers in the adjacent neighborhood. There also will be a loss of 2 or 3 out of 6 or 7 unrestricted parking spots on La Jolla Scenic Way southbound due to the parking garage entrance, constituting a loss of 40% to 50% of these now available spaces. Overall this amounts to a loss of more than half of these unrestricted public parking spaces, Spaces on the adjacent streets are all two-hour parking during working hours, but the spaces slated for removal are available for unlimited parking, subject to Municipal Code regulations. Every day 14 or 15 displaced cars will be competing for the unrestricted spaces on the northbound side of La Jolla Scenic Way which becomes La Jolla Scenic Drive just south of the parcel projected for development of the student center and on the southbound side of La Jolla Scenic Drive, beginning about more than a quarter mile away. La Jolla Scenic Drive southbound is now frequently parked up for more than half a mile away, south of the intersection with Sugarman Drive.

This loss of parking spaces is mentioned on page 6 of the Transportation /Parking section of the R-50. Initial Study and in the checklist. The fact that there are now 20 spaces only appears on the drawings themselves. My conclusion as to the number now on LJSW between LJSD and LJVD was made by a personal count of the vehicles parked between the red curbs. There is no discussion of

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| в-47 | Refer to comment B-37 for reasons why the Gilman Drive off-ramp itself was not specifically analyzed. The presence of the Gilman Drive off-ramp was, however, accounted for in the analysis of the La Jolla Village Drive/La Jolla Scenic Way intersection.   |
|------|---|
| B-48 | The number of days per year that a special event occurs on a High Holiday when services are occurring at other nearby synagogues will be extremely small and therefore a quantitative analysis of theses rare occurrences is not warranted.   |
| B-4  | There is no evidence that the loss of the on-street parking spaces would "push campus impact parking further into the neighborhood". A significant impact would not result as the City of San Diego CBQA thresholds for a potentially significant parking impact include that the project must be deficient in parking by 10% or more and the shortfall or displacement would substantially affect the availability of parking in an adjacent residential area, including public parking. In this case, the project is not deficient by 10% or more and the loss of 45 §spaces is not considered substantial. |
| B-5  | O Refer to comment B-49.  |

the environmental effects of this parking loss. It also should be noted that since the previous MND, parking spaces have been tost along LJVD due to the widening of the street. The Draft Mitigated Negative Declaration is inadequate. This is a significant environmental effect which cannot be mitigated in a single family zone. For this reason an Environmental Impact Report should have been prepared, so that alternatives would have been examined.

Beginning at 4 PM on every weekday and all day Saturday and Sunday, there will be unlimited parking in the 2 hour weekday zones. The MND says, "It is reasonable to assume that a relatively small number of vehicles will park on nearby streets even if there are spaces on the site. This spillover could be accommodated along the roadways adjacent to the site." This statement is without foundation. It is just as reasonable to assume that students will be not be interested in the delays and inconvenience associated with parking on lifts in the subterranean garage. The garage may be full and they are running late and don't want to make a fifteen to twenty minute detour round trip to the parking lot served by the shuttle. They may be going somewhere other than UCSD after the Student Center event and find it more convenient than walking back to their regular parking space at UCSD. All these scenarios are just as likely. This is a potentially significant environmental effect and mandatory parking in a specific area, garage or shuttle lot does not appear to be enforceable.

8-51

Before dealing with the adequacy of the mitigation effort it is necessary to establish the number of parking spaces required for a building that can accommodate a certain number of people. The plans say that the parking for the Phase 2 proposed building (Drawing, A 0.0) will be based on the MC provision for one parking spaces per 3 seats (Table 142.05F) or if the seating is not fixed, then 30 per 1000 square feet of assembly area. Hillel is choosing the 1:3 ratio even though it is planning on using folding chairs in its multi-purpose room/assembly areas.(Statement made by Mr. Joshua Richman at the Permit Review committee meeting of August 26, 2008) By the Hillel estimate 200/3 makes for a requirement of 68 spaces. Even if they are allowed this deviation from a strict definition of "fixed" seats, they need to have more parking spaces because the LJSPDO requires (\$1510.0401 (e) ) that "The off street parking requirements for two or more uses on the same premises shall be the sum of the requirements for each use computed separately." It is a fact that the administrative offices now located, without permit, at 8976 Cliffridge will move in Phase Two to the new building. 8976 is required to have 6 spaces based on the square footage of the house (also figured from (Table 142.05F) where 3.3 parking spaces are required per 1000 sq. ft) The house has 1792 sq. ft... leading to a requirement of 5.8 spaces rounded up to 6. Drawing A 2.3 shows the square footage of the various areas of Phase 2. The administration area is about the same, 1821, but we now have a computer room, student offices, library totaling 1206 sq, ft. Adding these two together one gets 3.027 thousand square feet requiring 10 more parking spaces. This does not even include the kitchen or large lounge/entry. This would make a total requirement of 78 spaces which is more than will be available in the 17,000 square feet even with lifts. This does not include any spaces which should be added to account for the entry/lounge area.

If the square foot method was used for the assembly areas. The multi-purpose rooms contain about

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B-51 Unless there is a residential permit parking plan or all public parking is prohibited, anyone can park on a public street. However, Hillel will request that students attending events at the facility not to park in the adjacent neighborhood per Section M of the TDPM plan.

B-52 Refer to comment B-11.

3570 sq. ft. (hard to read from online version) needing 107 spaces plus ten for the office space making 117 instead of the 68 provided with the lifts and this does not count the 2238 Sq. ft in the entry/ lounge which might well be considered assembly area and add 67 more spaces needed.

We have now demonstrated that Phase Two of the project is short anywhere from 10 to 116 parking spaces from the amount required by the LISPDO in conjunction with the MC.

Next, turning to the mitigation measures discussed in the Initial Study, but spelled out step by step in the Mitigation Section under Parking. It is noted the mitigation steps outlined here have been incorporated into the Cycle Issues report that closed August 25, 2008.

#### By number:

8-54

- 1. It has been established that the on-site minimum of 68 underground parking spaces is insufficient to comply with the MC and the LJSPDO. The MND says that "the applicant may employ parking lifts to achieve this number." These lifts are, in fact, incorporated into the plans submitted and have been since the initial submission of the plans in June 2008 (Drawing: A 2.2 wherein the model, manufacturer and source of the lifts are cited) The location of these lifts in the garage is shown on the drawing. The Cycle Issue cited above discusses the attendant needed.
- 2. Several items beginning with this one discuss using a shared parking agreement. The MC §142.0545 (a) does not permit shared parking in residential zones. "In all zones except single residential zones, shared parking may be approved through a Building Permit" subject to certain regulations." Therefore this is not a suitable mitigation measure.
- 2. & 3. The maximum number of off-site parking spaces allowed by the agreement with UCSD is 75. (Agreement dated July 6, 2005 cited in Cycle Issue dated August 25, 2008.) This does not allow for future growth in attendance at Special Events.
  - 4. The agreement cited above is non-exclusive. The parking is not under Hillel control. That means that others are allowed to use the spots or a license could also be issued to another party. It is revocable on 120 days notice. The current agreement expires at the end of the spring semester of the 2012 academic year. The parking lots cited in the agreement, P608 and P604, which are the largest staff parking lots on campus (see map that follows) will not be available for parking when the Hillel Student Center is scheduled to open, according to construction schedule of capital projects published by UCSD in July 2008. See Capital Improvements Status Map 2008-2009 current as of July 11, 2008. which also follows. The Health Sciences Graduate Housing Project was presented to the LJCPA at its June 5, 2008 meeting. Its location is seen on the map just mentioned. Also seen here is the Satellite Utility Plant which appears to be adjacent to or on P604. See also Project Timelines for Key UCSD Capital Project (as of July 11, 2008) Shows the P608 construction beginning in mid-2009 and with completion in early 2011. Construction affecting P604 seems to phase in about the same time. The Parking Lot P-102 nearest the Hillel Student Center was already

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| B-54 | The project's parking lifts allow Hillel to park 68 vehicles on site. The lifts will be installed, used and maintained per manufacturer's specifications for the frequency of use required by Hillel. The lifts will be required to be fully operational at all times in order to maintain occupancy of 200 people for Friday night Shabbat services.               |
|------|---|
| B-55 | The off-site parking agreement obtained by Hillel for Friday night Shabbat and occasional special events are allowed in the SP zone. The regulations the commenter is referring to pertain to a different kind of shared parking agreement whereby two uses share the same parking area provided the need for parking by each use is at different times of the day. |
| B-56 | The current occupancy and subsequent parking requirements for Hillel anticipate future growth.  |
| B-57 | If the UCSD shared parking agreement is revoked by UCSD, Hillel will not be able to host an occasional special event that exceeds 200 people.   |

B-53 Refer to comment B-11

filled to capacity at the time of Friday Shabbat services. It is used by La Jolla Playhouse patrons (letter from Milton Phegley, UCSD Campus Community Planner in response to the MND for Project 6098, Item R-1).

While UCSD might very well allot another parking lot for Hillel Student Center parking, the Parking Map cited above shows that most large parking lots are much further away and would require a longer shuttle ride. The future of UCSD parking is unknown to me at the present time but I note from the recent agendas of the LJCPA (August 7 and September 4 meetings) that a presentation by a UCSD Community Planner will be made at the October 2 LJCPA meeting. Hillel now has a license agreement with UCSD and the Cycle Issue report of August 25, requires that it be maintained. The mitigation offered by the off-site shared parking is thus demonstrated to be uncertain. It can not be determined in the near future. It should not be accepted as adequate mitigation even if shared parking might be approved.

5. Shuttle service shall be provided unless off-site parking is within 600 feet (none this close even

- exists according to my personal knowledge of the neighborhood.) According to remarks made by Joshua Richman, the Hillel representative, at the LJCPA Permit Review subcommittee at the committee's August 26, 2008 meeting, the Center is planning to have one van available for shuttle service to and from the off-site parking facility. He ventured the opinion that a round trip would take fifteen minutes from P608. This van would carry eight passengers. The parking lot is to be available one hour before the event and one hour after. If we had the estimated, but inadequately substantiated, 2 persons per car, each round trip would accommodate 4 cars worth of event attendees, that would be 16 carsful per hour. Since the projected attendance at the special event, Grand Opening of the Hillel Student Center in September 2010, is 350, (Appendix M Traffic Impact Study) even at this relatively close in lot, the proposed shuttle arrangements appear to be inadequate mitigation of the on-site parking shortage. Since P-608 is scheduled to be occupied by the Health Sciences Housing Building and the availability of P-604 is uncertain, the shuttle service would seem to be even less adequate. The shuttle service as described is not adequate mitigation.
- 6. & 7. This provision to immediately suspend any activities with more than 204 people in attendance if the parking agreement is cancelled or the shuttle operation that more than 68 spaces are required by the LJSPDO is not enforceable. There is not even a requirement to notify the Director of the Development Services Department (DSD) that the agreement has been suspended. Given that the house at 8976 was occupied contrary to zoning regulations as an administrative office without securing a change of use permit, the track record is not good. There is no provision in the license agreement for UCSD to notify DSD. In addition, it has been shown above that 68 spaces is not sufficient under the LJSPDO.
- 6. This provision raises the possibility that DSD might after one year require that the off-site parking for Shabbat services be discontinued or continued, indicates a future review. This would violate the requirement for on-site parking to support the number the building can hold.

B-61.

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B-58 Attendees that park at the off-site parking locations will be advised to wait for the shuttles arrival. Hillel must comply with the TDPM plan, which in Section B outlines the criteria for remote parking shuttle service and staffing of off-site parking.

- B-59 Refer to commont B-68. The shuttle service would accommodate parking for the shared parking agreement. The TDPM Plan mitigates to below a level of significance parking impacts.
- B-60 The Transportation Demand Parking and Management (TDPM) plan includes the provision for a Neighborhood Advisory Committee to be formed within 30 days of building permit issuance to include two representatives from Hillel, two appointed by the La Jolla Shores Association, UCSD, one neighborhood representative appointed by Council District one neighborhood representative appointed by the Mayor. The committee will resolve disputes when possible and advise the Development Services and Neighborhood Code Compliance Departments of any disputes that are not resolved. Code Enforcement will be the contact should there be non-compliance with any of the mitigation measures. A specific staff person from Code Enforcement will not be assigned to solely work on the Hillel. They will be assigned if complaints are filed. The TDPM plan includes specific measures that Hillel is required to adhere with respect to methods of monitoring the parking activities.
- B-61 The TDPM plan requires that monitoring of parking activities continue for three years after the facility becomes operational.

Enrollment at UCSD has been cited as expected to increase and estimates of about 29,900 students have been projected for the year 2020-21( UCSD Long Range Development plan) and over 40,000 in total campus faculty, staff and students. The future attendance at Shabbat cannot be determined on the basis of one year's experience. This is not mitigation, it is reducing the requirement for parking on site.

- 8. There is no process invoked for the notification of of DSD of special events. Even though the MND mitigations limit Special Events to 9 per year after the first year, the UCSD parking agreement specifies a maximum of 12 Special Events per year. Appendix M of the Traffic study cites several kinds of Special Events that are not tied to the religious calendar but are valued Jewish observances. For example, Holocaust Remembrance Day and Israel Independence Day are cited as potential special events. The UCSD Hillel website <a href="http://ucsdhillel.org">http://ucsdhillel.org</a> currently in skeleton format has a drop-down box under Jewish Life that says, "Interested in having a B'nai Mitzvah?" This indicates possible future special events centered around these religious ceremonies and expansion of the Special Event Calendar.
- 11. There is no exhibit "A" identified in this report.

B-62.

- 12. As mentioned earlier, this reference to a scenario of retaining 8976 as a Hillel facility in the event the proposed project is not constructed (one can assume a case where the project is not approved, or even some unknown untoward circumstance preventing construction of an approved project) is contrary to zoning regulations, the LJSPDO and the La Jolla Community Plan.
- 14B. The transportation shuttle plan has already been shown to be inadequate in item 5 above, both as to place and to the feasibility of transporting so many people efficiently with just the one eight passenger van cited.
- 14c. The involvement of a 3 year study plan supervised by the City Engineer is in conflict with the B-65. involvement of the DSD in Item 5 above. Neither is satisfactory.
- 8-166 14d. The need for indefinite monitoring of the Transportation Management plan is evidence that the mitigation plan is inadequate.
- Finally the need for constant renewal of the shared parking agreement is an indication, amid the possibility of non-renewal due to conditions at UCSD, and based on personal knowledge of congestion and of the built up nature of the La Jolla Shores Area and the La Jolla Community Plan area as a whole (99%), renders the whole off-site parking requirement to support attendance unsatisfactory as mitigation.

Air Quality. The Initial Study Checklist indicates that no references were consulted with respect to Air. The checklist item III Air quality states that no exposure of sensitive receptors to substantial pollutant concentrations would occur and that there would be no violation of any air quality

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B-62 The permit with the City of San Diego takes precedence over the shared parking agreement with UCSD. The TDPM plan specifically states that the facility will not be utilized for weddings or Bat or Bar Mitzvahs, nor will it be rented to any other group. B-63 Refer to comment B-9. B-64 Attendees that park at the off-site parking locations will be advised to wait for the shuttles arrival. B-65 Hillel is amenable to a condition that allows the City to revoke the three additional occasional special events based upon the results of the additional two years of operations' study. B-66 As stated in the TDPM plan, any modification to the TDPM plan subsequent to the initial three years shall require a Process 4 modification to the SDP which can be appealed to the City Council. B-67 If the UCSD shared parking agreement is revoked by UCSD Hillel will not be able to host an occasional special event that exceeds 200 people.

standard. It gives no documentation of this or of the possible exceeding of a standard of 100 pounds of particulate matter per day. It makes no mention of whether it was reviewing the air quality component during construction or after completion. This item is not even discussed in the Initial Study. I believe that studies of current law, regulations, medical literature and expressed concerns of the San Diego County Air Pollution Control District should have led to an evaluation of this pollutant and its potential for harm to health particularly in the construction phase. Nearby residents to both the south and east would be affected by "fugitive dust" from the construction site.

It has already been shown in the discussion of the Initial Study Portion, labeled "9. Paragraph 7." that the maximum depth of cut is inaccurate and should be around 16 feet. Also based on a rough estimate, a reasonable estimate of the excavated amount is about 9130 square feet. I have received a forwarded e-mail clip from an e-mail sent by John Schmidt, (page following) a currently licensed (No. 14511) California civil engineer, that his estimate of the dirt to be removed was 9022 cubic yards. (Pages following). He added a bulking factor of 10% for loading in dump trucks and estimated 330 one way dump truck trips. Making the same adjustment on my calculation, one arrives at the nearly identical figure of 334 one way trips. It is not known how the change in estimate of the amount of dirt to be excavated from that cited in the MND would affect what is being used for fill-in grading around the site. If it were the same, 400 cubic yards, the number of trips would only be reduced to about 320.

This is a lot of dirt to be removed and has the potential to create a lot of "fugitive dust." Absolutely no discussion is made of this anywhere in the document, other than saying in the check list that nothing untoward would happen and implying that no one's health would be impaired. The check list does not specify whether or not the evaluation included the construction period.

B-70. The Draft MND is surprisingly incurious about the potential harm to humans because of "fugitive dust" from construction sites and particulate matter in general. It appears to be of widespread interest to governmental agencies and medical professionals.

California Senate Bill 656 adopted in October 2003 dealt with air quality: Particulate matter. It enumerated health concerns and set out standard and timelines for evaluating and determining feasibility of corrective measures. In response to this legislation the San Diego County Air Pollution Control Board(APCD) responded. On December 14, 2005 the APCD held a public hearing and revealed that the District did not have "specific control measures for . . . fugitive dust from construction sites ..... The APCD plans a hearing to Adopt Rule 55 –fugitive dust (Control fugitive dust at construction sites to reduce citizen complaints and to implement State law requiring additional measures to accelerate progress toward attaining particulate matter clean air standards). This shows that San Diego County is in active consideration of this construction byproduct that was ignored by the MND.

At the same time in December 2005 the APCD published "Measures to Reduce Particulate Matter in San Diego County." This report, created in response to SB 656, evaluated the nature of particulate matter, acute and long-term exposure, current air quality and already adopted measures

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- B-68 Dust generated by the construction of the project are short-term and are regulated under the Air Pollution Control District's (APCD) rules 51 and 54 (dust-suppression). In addition, the project would not exceed the threshold as identified in the City of San Diego, CEQA thresholds of significance, which is 100 pounds of PM per day. The South Coast Air Quality Management District estimates of PM emission from site grading is 26.4 pounds per graded acre: roughly 100 pounds of PM is generated by grading 4.0 acres per day. The project would result in 9,200 cubic yards of grading on less than one acre. Therefore, project implementation would not exceed 100 pounds of PM per day.
- B-69 The approximate area of the garage is 16,575 SF. The garage floor elevation is 391.3'. Assuming a 12" structural section, the rough sub-grade elevation is 390.3'. The average grade above the garage is 405.3'. The average depth of cut from existing ground to garage sub-grade is 15'. This equals a total of 9,200 cy of excavation for the garage.
- B-70 Project implementation would result in temporary, construction-related air quality impacts. These temporary impacts would result mainly from grading activities. Since grading activities are short-term and are regulated under the Air Pollution Control District's (APCD) rules 51 and 54 (dust-suppression), impacts would be considered less than significant.

B-71 The MND cannot address any laws/rules that are not in effect. Refer to comment B-70.

and considered which pollutants were not yet adequately by current county rules and local jurisidiction laws. Fugitive dust was an item of high concern that had not yet been addressed by "source category-specific control measures." (P.1-1) Attachment D to this report lists construction related activities which are significant sources of particulate pollution and which are not adequately addressed by local, state or federal regulations. The standard for significance was particulate matter emissions of greater than 0.9 tons per day or a history of particulate matter air quality complaints. The construction activities of concern for fugitive dust were: Earthmoving and grading fugitive dust is only partially addressed by District Rules and local ordinances. The handling and storage of bulk materials is not addressed by either district or local rules. Carryout and trackout removal and cleanup are only partially addressed by local ordinances. Windblown dust from the previously mentioned operations are only partially addressed by District Rules and local ordinances. Remediation is considered not only possible but cost effective to a large degree.

This of course does not say what rules the City of San Diego has adopted, but no discussion is made in the Initial Study other than that nothing substandard or health endangering would occur and no references were consulted.

The County of San Diego thus is in the process of developing Rule 55 that would spell out actions that need to be taken to control "fugitive dust." According to recent e-mail correspondence with APCD officials the consideration of that Rule has been postponed from originally proposed date of December 2008 to March 2009.

The results arrived at in studies published in assorted medical and environmental health journals of the effects of short and long term exposure to particulate emissions (various size particles) on hospital admissions, heart and lung disease incidence, respiratory problems are varied. I do not propose to evaluate the articles or the studies but am including abstracts of several. (Pages at and.) following) These studies and others similar have resulted in the California legislation and the APCD consideration. They have been selected from a list of several hundred articles obtained from a search using the terms "particulate AND emergency" of a website sponsored by National Center for Biotechnology Information, National Institutes of Health and the National Library of Medicine. I have some background in medical and physical sciences in research, holding a Master of Science degree in Radiation Biology from the University of Rochester School of Medicine and Dentistry, not having been employed recently in the field. I have been employed in a medical office and have assisted in the publication of medical articles. I have consulted my husband, Douglas G. Boyden, M.D., F.A.C.S, about the articles presented here. We offer no conclusions other than to state that many physicians and other environmental health specialists are concerned with short term exposure to particulate matter. The MND ought to have been concerned also, In that respect the MND is inadequate. I

It is possible, seen from a review of the Paleontological Resources mitigation, that excavation work could be halted at any time during the excavation, grading and trenching of the property to depths of up to 16 feet in order to evaluate, plan for and carry out mitigation of any significant

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B-72 APCD is the governing agency for dust suppression.

B-73 Comment noted.

B-74 Refer to comment B-68 and B-70.

B 75

paleontological resources found. During this time disturbed dirt would present a continuing and longer term health hazard and the dirt-moving activities would take place over a longer period of time. This possibility was not taken into account in evaluating any air quality problems, indicating an inadequacy in the MND.

While the Traffic/Parking Plan makes use of the UCSD Long Range Development Plan (LRDP), the persons evaluating Air Quality and other construction issues failed to take into consideration the busy construction schedule at UCSD. The demonstration pages inserted after Page A of my evaluation illustrate current construction plans at UCSD. Red circles indicate projects pending or currently in construction. Green triangles indicate projects in planning and design. Site 653 has been added in dark ink by me. Also of note, circled by me, is the location of the planned Venter Institute directly across Torrey Pines Road from Site 653 which will, according to information presented at the La Jolla Shores Association earlier this year, be accessed directly from Torrey Pines Road, not from Expedition Way as mentioned in the LRDP. The Health Sciences Graduate Housing construction which has been presented at the LJCPA will rise on P-608 listed as an earlier agreed on spot for off-site parking. The construction timelines page shows in yellow the construction period for the major UCSD projects. It can be seen that much of the planned UCSD development will occur during the 2009-2010 construction period anticipated by Hillel as its construction period.

It can also be shown that the Notice of Preparation of an EIR for the UCSD Health Sciences Graduate Housing, until recently available on the UCSD Community Planning website, (selected pages following) states that the "proposed project has the potential to contribute to both construction and operational pollutant emissions to the San Diego Air Basin, as described in the 2004 LRDP Program EIR. . . . the proposed project has the potential to increase cumulative construction emissions analyzed programmatically in the prior EIR." The EIR (under preparation at this writing) will update this analysis and offer related mitigation measures. This indicates that other nearby agencies are concerned with construction emissions and that they are a valid concern. Attached also following are several printouts from a slide presentation available on the UCSD Community Planning website.

This demonstrates that the Draft MND for the Hillel Student Center has made an inadequate study of the effect on air quality in the region. It has seemingly failed to consider both the impact of the Hillel construction process as well as the cumulative effect of construction at UCSD proper and the Venter Institute directly across the street. The Draft Mitigated Negative Declaration is inadequate. This is a significant environmental effect, for which mitigation is not considered or proposed. For this reason an Environmental Impact Report should have been prepared, so that alternatives would have been examined.

The Initial Study failed to make any substantive discussion of the environmental consideration of I. Aesthetics/Neighborhood Character except to make generic comments about compatibility with the surrounding area. It characterizes the proposed Hillel Student Center as a one-story student center building that shall be 20'4" above grade, below the allowed height of 30 feet above grade and

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B-75 As previously stated the APCD is the governing agency for dust suppression. The City would have to conform to all regulations during the grading process.

B-76 Refer to comment B-1.

being consistent with the character of the area.

Homes in this immediate area to the south are of mainly single story design on modest size lots mainly about 8000 sq ft. (rough estimate). Across the street are mainly two story attached single family homes. Single story homes in this neighborhood do not typically rise to more than 20'. Some of the homes are 1800 square feet or less (for example the SF home now being used without valid permit for administrative officesfor Hillel.) Remodels have introduced two story homes. To the south, homes are located on flat lots without subterranean garages.

There is other evidence to supporting the incompatibility of this project with the surrounding neighborhood. It was shown in the discussion of the Initial Study "No. 7 & Paragraph 5" that the exterior design as described here and shown on the plans violates the LJSPDO design criteria with respect to the metal roof and trellis. The mechanical screen is not "of construction and appearance similar to the main building."

#### The La Jolla Community Plan says under the heading:

- 2. Community Character (page 89-90)
- a. In order to maintain and enhance the existing neighborhood character and ambiance, and to promote good design and visual harmony in the transitions between new and existing structures, preserve the following elements:
  - a) Bulk and scale with regard to surrounding structures or land form conditions as viewed from the public right-of-way and from parks and open space;

In its findings the architectural firm for the project refers to this plot of land as a "prominent gateway to La Jolla." So what is it that will be seen from the public right-of-way by a person going west on La Jolla Village Drive from 1-57 A driver may stop at the corner of La Jolla Village Drive and La Jolla Scenic Way. I do so often, usually, but not always, in a left turn lane. The driver according to Figure 2 supplied with the MND will be sitting head height at an altitude of about 385' (street marked at 381' at this point) The driver will be looking at a landscaped slope beginning at about 393' on the existing site plan; the landscaped slope rising (now unlandscaped, rising 14' now, but apparently cut back to around 404') another 11 feet and then set back somewhat and rising another 20'4" to an altitude of 426'5". Now it appears to be about 41 feet above eye level. This may not be, but it will look like, a four story building at a prominent gateway to La Jolla.

The other day I tried, using the "extended thumb" measurement for seeing how big the moon appears in its course across the night sky as suggested in a recent San Diego Union article, and using the 14' slope as a benchmark and decided that I would be looking a pretty bulky building. Then at home I considered what I was looking at in a lateral direction. From my viewpoint in a middle lane of the westbound lanes, I had a view that perhaps bisected the corner angle. I can imagine that I was looking at the entire east and north facing sides of the project, diminished with perspective. In rough estimates from what I see of the drawings on line, both sides seem to be about the same length, perhaps 150' to 160'. The long side facing LISD must be about 200' feet in width. So perhaps that was the total width I was looking at. The building width is about 2.5 times the

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B-77 The maximum height of the building is less than 30'-0" from finished grade which is at the garage entry. The height of the building at the LJVD and LJSW intersection is one story or 10'-10".

B-77

average lot size in this neighborhood. This can be verified by looking at the properties across the street on LJSD on Figure 2 of the MND. Now the whole building is not this height, but the shortest height is around 11' feet high and substantial portions are roughly between 13' and 18' high according to drawing A 4.0. Story poles have never been provided so that neighbors could estimate the bulk and scale of this proposed Student Center. My observations are that even softened with landscaping this will dominate the view of the neighborhood approaching from the east.

This building does not meet the standards of the La Jolla Community Plan as to bulk and scale.

A major deficiency of the Draft Mitigated Negative Declaration is its inadequate and almost nonexistent consideration of the significant environmental effects on the single family neighborhood, legally known as La Jolla Village Estates, lying to the east of La Jolla Scenic Way. In addition, traffic into this neighborhood seems to have been omitted in the Traffic Impact Analysis.

I have read two communications from the Board of Directors of the La Jolla Village Estates Board of Directors to the La Jolla Community Planning Association (likely dated in late January 2004, as the LJCPA heard the matter on February 3, 2004, but the file I am provided with automatically puts in today's date) and to the San Diego City Planning Commission (likely dated between February 10, 2005 and March 10, 2005)(The latter in pages that follow).

Apparently the Board did not submit comments on the MND for Project 6098, but the comments they submitted are just as pertinent to Project 149437.

La Jolla Village Estates comprises 128 single-family individually owned, attached homes, the northernmost of which are located directly to the east of Site 653. This development extends from the Gilman Drive off-ramp (at the corner of La Jolla Village Drive and La Jolla Scenic Way) south for several hundred yards and easterly to Gilman Drive.

In addition to the significant environmental effects of increased traffic congestion, reduced and impacted neighborhood parking mentioned here, the LJVE board is concerned with noise and privacy issues.

The Board of Directors mentioned the fact that the northeast patio of the project overlooks the homes in the northwest section of LJVE. It will offer direct views into living rooms, bedrooms and backyards of residents. Nearby residents will also be bothered directly by noise from any activity on the large patio. Particular instances of noise from the patio, garage and mechanical equipment on the east side of the projected Hillel Student Center are of concern specifically mentioned are:

Noise from: Informal gatherings of groups of students

Noise from the garage gate opening and shutting each time a car requests entrance or exit

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B-78 The private streets within La Jolla Village Estates were not required to be analyzed as part of the traffic study.

B-79 Due to the distance from the Hillel facility across La Jolla Scenic Way to the residences within La Jolla Village Estates, it is unlikely that anyone at the Hillel site will be looking into someone's living room. The majority of events on the site will conclude at 10 p.m. with clean up to be completed by 11p.m. The proposed project will conform to all noise regulations. A permit condition will be included as follows: During the hours that visitors are expected at the project, the parking garage roll-up gate shall remain open. Refer to comments B-24.

Noise from cars idling as they wait for gate and wait in the queue

Noise from intercom system used to communicate with cars wanting entrance

Noise from equipment room for elevators and ventilation equipment

One other problem that the Board of Directors of LJVE cites is that headlights from cars exiting the subterranean garage will shine directly in the direction of the homes in LJVE backing up to LJSW.

These homes will also be particularly affected from construction site dust that will blow in their direction; winds in this area tend to be in the range from a northwesterly to westerly wind. They will be directly downwind.

These homes will also be affected by the proposed Student Center towering as much as 44 feet over their homes. The grade level of the center will be about 22' higher that that of these homes, according to the Board's calculation.

The side of the building that will face them will include the unlandscaped section of the building including the garage and mechanical screening above.

The plan and the MND does not address the particular significant environmental effects that will effect this 128 home community. The MND is therefore inadequate in its consideration of this community.

#### Summary.

Starting from the first process, the Initial Study Checklist was used to determine what type of environmental review was required. Answers if yes, maybe, or no were possible. The reviewers considered only Paleontological Resources as a maybe and provided for mitigation. Mitigation was also provided for parking. I believe that there are a lot more "Maybes" and also "Yeses" which indicates a potential for significant environmental impacts.

In summary, I call out the following as in need of discussion in Section III Environmental Analysis: The "yes" and "maybe" responses cited below is how I believe, based on my analysis of the possible environmental effects, that the questions should have been answered. Sometimes my answer will stand alone but usually reference will need to be made back to earlier discussion of the environmental effect. Sometimes additional information is added.

IB. Yes. The single family neighborhoods to the south and east do not include one-story homes that are 20'4" tall. Approaching the site from the east on LJVD, the proposed structure, erected at a grade lower than the existing would appear to rise at least 30' above the corner; to the westbound auto stopped first in line at the intersection, we can add another 10' (to 40').

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B-80 Refer to comment B-77.

IC. Same as IB, plus the fact that the project drawings call out mechanical screens on the sides of the project facing the homes on LJSD and LJSW that are 30' and 40' wide and the height of the building. The La Jolla Shores PDO (§1510.0402 (c) calls for screen with construction and appearance similar to the main building. No specific material is called out here, so this part is a "maybe."

IC. Yes. Same as 1B.

1D. Yes. Same as 1B.

1H. Maybe. Cars exiting garage after dark will shine headlights in the direction of the single family homes to the east of LJSW.

TII. B. Maybe. No evidence is provided for particulate matter (fugitive dust) released during construction period. Information on amount of excavated dirt incorrect. See previous Air Quality discussion.

B-82 III. C. Maybe, Same as III. B.

III. E. Maybe. Same as III. B.

В-83. IV. A. D. Maybe

- V. B. Maybe. No information is provided on the expected power usage of the facility (compared to single family homes in the area or to the 2 to 3 SF homes that could be built on the site); no discussion of amount of power produced by photovoltaic cells in this vicinity. There is one residence using same within 300' of Site 653.
- 8-85 VII. Maybe. The location of the site is misstated in the Historical Resources Study.
- VIII. A. Maybe, See III.B.D.E. Additionally, public safety of lifts has not been addressed.
- B-87. IX. A.D. Maybe, see discussion of water quality report.
- IX. B. Maybe. There is substantial additional sidewalk, plus paved walks, driveway, and patios. No calculation of with the removed paving on the cul-de-sac has been done. This study is inadequate.
- X. Yes. There is change of use permit request for the SF residence at 8976 Cliffridge Avenue.
   Request is for temporary if vacations permits for Phase Two are allowed. If this is not the case, a permanent change of use for administrative offices is requested. (See parking deviation requests). This would effectively change the zone here to mixed use.

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- B-81 The area east of Hillel's garage entry has significant landscaping along La Jolla Scenic Way.
- B-82 Refer to comments B-68 and B-70.
- B-83 As stated in the initial study biology discussion of the MND, no sensitive plant species, sensitive vegetation communities, narrow endemic species, or sensitive wildlife species were observed on the property.
- B-84 Photovoltaic panels would provide a definite reduction in the amount of energy needed for the project. However, excessive usage of energy has not been identified for this project, therefore no impact would occur.
- B-85 This is a typographical error in the study. The paragraph on page 3.0-9 should read "The earliest notable development in this area was the construction of the Spindrift Inn southwest of the subject property in the 1920s. Also at this time, the initial development of the La Jolla Beach and Tennis Club (originally the La Jolla Beach and Yacht Club) took place to the southwest of the subject parcel."
- B-86 The lifts will be operated in accordance with the manufacturer's recommendations and will be operated by trained individuals.
- B-87 Refer to comments B-25 through B-30.
- B-88 The Hillel project will replace a vacant lot and paved cul-de-sac/street with substantial landscaped areas. Also, the roof/patio runoff is being treated by hydrodynamic separator treatment system which is to include sorbent booms for control of any oil and grease residue. The cul-de-sac will be replaced with, in addition to the bike/pedestrian access, a landscaped area. This, combined with the proposed post-construction treatments are considered to be adequate.
- B-89 The religious office use of 8976 Cliffridge Drive requires a building permit to change the occupancy for religious office use, no rezone is required.

25

- XI A. Maybe. The Noise study did not evaluate the effects of noise generated by the project's screened machinery and outdoor patio use on neighborhood to the east. It brushed off construction noise with little comment.
- B-91 XI.B. Maybe. Same as XIA.
- B-92. XIV. B. Maybe. Community wide experience shows that large gatherings may result in nuisance calls to the police. The project does not propose any security personnel.
- XVI. B. Yes. The relative increase of traffic may not be substantial, but the distribution of the traffic with respect to traffic patterns that were not studied, will have a significant environmentally impact. There were defects in the study of lane choices by drivers, queuing for garage, and U-turn in neighborhood streets and in garage driveway. See discussion of transportation study. Additionally not mentioned is the lack of an exterior loading area, particularly for trash pickup. The Traffic Impact Analysis made an inadequate evaluation of all traffic impact on the community. Just analyzing the count is not enough.
- XVI C. Yes. The number of parking spaces called for onsite does not conform to the sum of uses provision of the LJSPDO (§1510.0401(e)). It only considers the "assembly" portion of the building and even that does not provide sufficient parking for special events. The lifts in the garage for all but 10 regular spaces and two handicapped spaces, can be reasonably assumed to discourage students from parking in the garage for the awkwardness of parking in lift equipped spots even when the lifts are not needed; time, safety and other considerations factor in.
- B-45 XVI. D. Yes. The 12 to 15 spaces lost represent 60% and 50% of available unrestricted parking on the street segments in question. Other parking is also lost.

XVI. F. Yes. See XVI. B above.

- XVI. G. Yes. See XVI. B above. Also the multi-lane nature of La Jolla Village Drive and the poorly observed non-standard "No right turn on red" from Torrey Pines Road onto eastbound La Jolla Village Drive will endanger pedestrians and bicycles being walked across the street. The lack of any dropoff points except in the subterranean garage with a capacity of one vehicle which must either back in or back out and the driveway width reduction deviation from 24" to 22" being used for U-turns for persons denied entry into the garage substantially increase dangers.
- XIX. C. Yes. The significance of the above "Yeses" and "Maybes" varies but the ones with 8-97 less significance must be cumulated according to CEQA guidelines and result in a significant effect that has not been mitigated and cannot assuredly be mitigated to an insignificant amount based on the information provided with the plan.
- B GB XIX D. Yes, we have noise, air quality, parking difficulties, transportation hazards and other safety

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| B-90 | Refer to comments B-23 and B-24.  |
|------|---|
| B-91 | Refer to comments B-23 and B-24.  |
| B-92 | Comment noted.  |
| в-93 | Refer to comments B-43 through B-47   |
| B-94 | Refer to comments B-2 and B-11.   |
| B-95 | Refer to comment B-49.  |
|      |   |
| B-96 | Hillel will ensure that the safety of all attendees will be ensured at all times.                                       |
| B-97 | Impacts associated with parking will be mitigated to below a level of significance as outlined in Section V of the MND. |
| B-98 | Substantial adverse affects on human beings would not result from implementation of the project.                        |

issues that may have an adverse affect on human beings.

In conclusion, many significant unstudied, inaccurate or inadequately evaluated environmental effects have been identified in this review. Some of the above might have been corrected by providing more detail in the plans, and some are more significant than others, but there are sufficient unevaluated significant environmental effects that individually and cumulatively warrant the Draft Mitigated Negative Declaration to be inadequate and inaccurate. A complete Environmental Impact Report should have been done under the requirements of CEQA.

Respectfully submitted,

When M. Ogler Helen M. Boyden, B.A., M.S. 8525 Nottingham Place,

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#### COMMENT LETTER C



From: George Carnevale (gcarnevale@ucsd.edu)
Sent: Thursday, September 04, 2008 12:33 PM

To: DSD EAS

Subject: Project no.149437

To: <u>DSDEAS@sandiego.gov</u> Subject: Project no.149437

In opposition to the Draft Mitigated Negative Declaration JO: 43-0276

September 04, 2008

Ms. Allison Sherwood Environmental Planner City of San Diego Development Services Center 1222 First Avenue, MS 501 San Diego, CA 92101

Dear Ms. Sherwood:

The DMND of August 14, 2008, is completely inadequate. It provides no serious protections for the neighborhood. I cannot believe the city continues to pursue a policy that will bring UCSD and our neighborhood into direct conflict. For years the university has had difficult relations with residents along its southern boundary at El Paseo Grande, because there was a relatively small student center located within the university boundary, but close enough to disturb residents during Friday night gatherings. Now to consider an even more invasive situation, allowing a large student center right in a residential area will be a disaster. My home is less than 40 yards from site 653. How can my neighbors and I deal with the noise and traffic problems certain to be a constant harassment with a center for 400 students in a residential neighborhood, I imagine the situation will be intolerable and that we will have to call the police frequently to deal with infractions concerning noise and parking. No matter how well intentioned the students may be, the situation will be impossible due to the sheer numbers involved. La Jolla Village Drive has been a wonderful barrier between the university and our neighborhood for decades and it should remain so. Site 653 should be turned into a pocket park just as was done at the southern end of the residential part of Pershing drive and at other such sites in San Diego. Only this would be use of the site consistent with the original city plan, the plan that was in force when I bought my house, the plan that was irresponsibly abandoned by the City Council but not by any of its advisory boards.

Sincerely, Dr. George F. Carnevale C-1 Mitigation for significant impacts to parking is included in the MND. No significant noise impacts were identified during review of the project. According to the La Jolia Community Pan and Local Coastal Program Land Use Plan, adopted in February 2004, the land use designation for the Hillel Site is low density single family residential use (5-9 dwelling units per acre). Prior to the February 2004 La Jolia Community Plan Update, the site was designated for park use.

C-1.

## COMMENT LETTER D



From: david cooper [dcooper4@hotmail.com]

Sent: Wednesday, September 03, 2008 3:51 PM

To: DSD EAS

Subject: Project # 149437

Dear Sir or Madam:

I wish to register my apposition to and concerns about the proposed new Hillel project, # 149437.

This is merely a dressed up version of the project that was turned down in a court case, and, I believe, is still under litigation.

It still will cause far too much new traffic in a residential neighborhood, and will overwhelm the surrounding neighborhood.

Hillel is a fine organization, but the City has taken no appropriate steps to find another location for this proposal that would not be detrimental to our neighborhood.

Further, the City could achieve far more money by selling this property for residential use.

Please respond to my concerns.

Sincerely,

David Cooper 8959 Caminito Fresco La Jolla, CA 92037 D-1 The approved Traffic Impact Analysis identified no significant impacts to traffic.

Parking mitigation is included in the MND to reduce significant parking impacts to below a level of significance.

#### UNIVERSITY OF CALIFORNIA, SAN DIEGO

#### COMMENT LETTER E

BERKELEY . DAVIS . IRVINE . LOS ANGELES . MERCED . RIVERSIDE . SAN DIEGO . SAN FRANCISCO



SANTA BARBARA • SANTA CRUZ

LA JOLLA, CALIFORNIA 920930508

9500 GILMAN DRIVE

EMAIL: cgranger@ucsd.edu

SIR CLIVE W.J. GRANGER, PI.D., D.SC., F.B.A. KB NOBEL LAUREATE, PROFESSOR EMERITUS DEPARTMENT OF ECONOMICS TEL: (858) 534-3856 FAX: (858) 534-7040

August 18, 2008

Ms. Alison Sherwood Environmental Planner City of San Diego Development Services Center 1222 First Avenue, MS 501 San Diego, CA 92101

Dear Ms. Sherwood:

On August 6<sup>th</sup> 2008, Mrs. Granger had a meeting in Developmental Services with Daniel Stricker, Project Manager, and Lahib Qasem, a Senior Traffic Engineer. Her concerns were with the Access to Site 653. According to four documents dating from 1977 to 1980, they show quite clearly that no access, curb cuts or driveways were to be allowed from La Jolia Scenic Way or from La Jolia Village Drive. This restriction has been in effect for over 30 years. It was recognized that access from these streets would be hazardous to traffic.

Please note, in a letter from the La Jolla Shores Association from Mr. Mark W. Steele, (Architect for Hillel) dated October 1, 1980 says:

No 4 (Site 653) .32 acres, this property to become landscaped open space: Traffic and location were the prime factors in the property.

Both my wife and myself were disappointed with the response from Mr. Stricker in Development Services.

We feel the decision to place the garage entrance on La Jolla Scenic Way ignores safe planning practice.

The placement: - a garage entrance 50ft from the junction La Jolla Scenic Way where it meets La Jolla Scenic Drive North would put traffic entering or exiting the garage on a collision course with traffic entering or leaving the neighborhood.

E-1 Staff supports relinquishing a portion of the access rights on La Jolla Scenic way which abuts the project site as it provides a permanent location for access to the site, spaced between the two adjacent intersections. In addition, it precludes this applicant or any future applicant from coming back in to request additional site access. Further, it keeps the access to the site on a Collector street as opposed to a local street (La Jolla Scenic Drive North), which will reduce noise from traffic near the project site.

E-1.

Dr Sue Moore asked the following questions in a fax to the Development Services Department on August 13, 2008. No reply has been received as of August 18, 2008.

Please could someone explain why, with supporting documentation, the City of San Diego Development Services Department (in concert with Traffic and Transportation) has been authorized to allow the applicant, Hillel of San Diego, not only to ignore the prior rules regarding this stretch of road, but to place the entrance to an underground parking garage in this same stretch of formerly "unpermitted" access. If you read the record, you will note that prior requests to "cut the curb" were denied by City staff – yet now this applicant is once more being fully supported, with a staff recommendation for approval of the prior project in 2006, despite its being denied by EVERY SINGLE La Jolla community planning group, and unanimous denial by the Planning Commission since 1999. We have asked this question many times before at public hearing; but after nine years, we do feel that someone should have an answer, not a "spun" reason.

Yours truly,

E-2.

Sir Clive W.J. Granger

Clive W. S, Grange

Nobel Laureate Professor Emeritus E-2 See comment E-1.

JUN 22. 1977

June 21, 1977

Property Department - Attention: John Ryan

PROPERTY DEPT.

Engineering and Development Department

Proposed Sale or Lease - Portion of Pueblo Lot 1299

We have no objection to the sale or lease of this property. However, it should be pointed out that access to the property is limited to La Jolla Scenic Drive only.

Division Superintendent

RGH/jm

including 3 references to the waiver of access from La Jolla Scenic May, Comments from Senior Planner Stepner concerning previous attempt to develop the pared, 650, and

a summary of dedications of named properties and street

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[MI Properties and security and

PIO

May 27, 1977

SAC (Distribution)

Property Department

RECEIVED
JUN 7 1977
PROPERTY DEPT.

Proposed Sale or Lease - Por. of Pueblo Lot 1299

The City-owned land marked in red on the attached drawings, containing approximately 0.10 Acres (4356 square feet) is being investigated to determine its availability for sale or lesse. The current zoning within the La Jolla Shores Planned District regulations is single family.

We request that you indicate any objections you may have to the disposal of this property. If you have comments to make, please indicate your name and department. No reply will be taken to mean no objection.

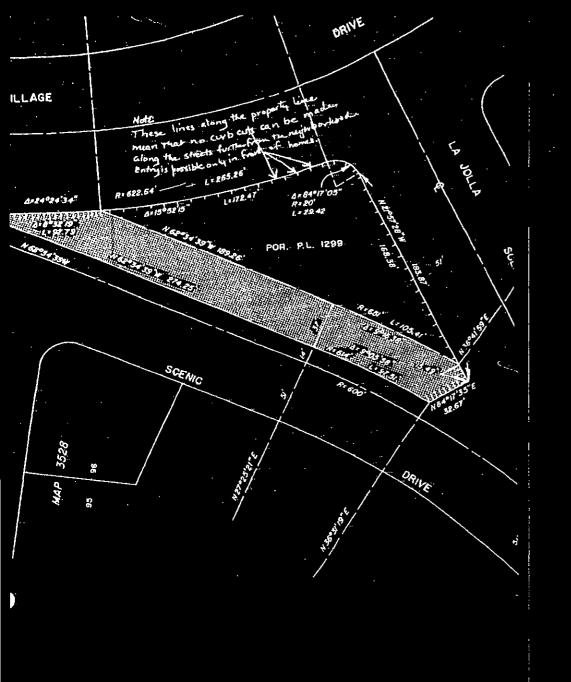
If present or future needs require that certain rights be retained, please indicate their nature and precise location within the boundaries of subject property.

Thank you.

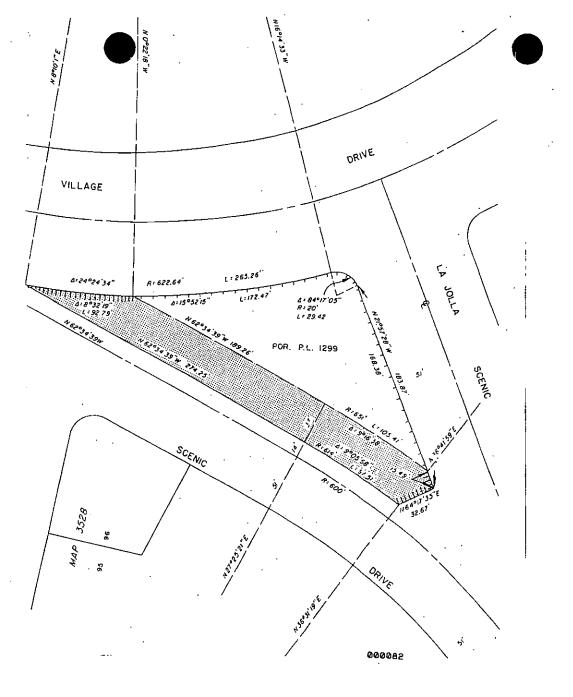
John Ryan Property Department

JR: pe: ovd Attachments Because of its location and Size, it is not suitable for development. The City Should retain ownership and Maintain it, as a landscaped traffic island

Michael Stepner Senior Planner Planning Dept. Ph 5293



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# la juila shores association POST OFFICE BOX 1833 - LA JOLLA, CALIFORNIA \$2038

October 1, 1980

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NANCY WARD

To: The City Council of San Diego

From: La Jolla Shores Association

RE: Density Review For Major Properties Located Within The The La Jolla Shores Precise Plan District

Ladies and Gentlemen:

In response to the request of the City Council, the La Jolla Shores Association has reviewed the seven major parcels of land that remain undeveloped within the jurisdiction of the Association. The purpose of the review was to recommend to the City Council densities for each of thuse parcels.

The Association is sware of the City's policy of infill and this factor was taken into consideration during our review. While this policy, which results in urbanization, is generally sccepted, the residents of La Jolla Shores are firm in their resolve to maintain the existing character and density of the community. To achieve this goal, the presently vacant parcels can only be developed with a use and density similar to that of existing adjacent land. This continuity is vital to the environmental preservation of one of San Diego's most unique communities.

Insofar as the remaining vacent parcels are unusual and unique in configuration and topography, we have concluded that how the property is developed is as important as the density, and therefore recommend that all seven parcels be controlled by a review process similar to that of a PRD.

Here are the seven properties and our recommendations: (Please refer to the attached for Assessor's Parcel Number, ownership and location within the district.)

- Property #1: 51.66 Acres, no change from existing La Jolla Shores
  Precise Plan. Traffic flow and topograph concerns
  were a consideration when reviewing this property.
- Property #2: 6.0 Acres, we recommend an increase in density to 53 units or 8.7 units per acre. Topography and existing density in the neighboring property were factors in this decision.

010954

# POST OFFICE BOX 1933 - LA JOLLA, CALIFORNIA DONA

October 1, 1980 City Council of San Diego Page Two

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HANCY WARD

Property #3: 3.4 Acres, no change from existing La Jolla Shores
Precise Plan. Topograph was the prime consideration
on this property.

Property #4: .32 Acres, this property to become landscaped open space: Traffic and location were the prime factors in the property.

Property #5: 1.84 Acres, no change from existing zone (1 unit per 20,000 square feet?). Topography was the prime consideration.

Property #6: 2.85 Acres, no change from existing zone (1 unit per 20,000 square feet?). Topography was the prime consideration.

Property #7: 7.88 Acres, increase density to a total of 40 units.

If an existing street right-of-way is abandoned, the density should then be increased to a total of 50 units.

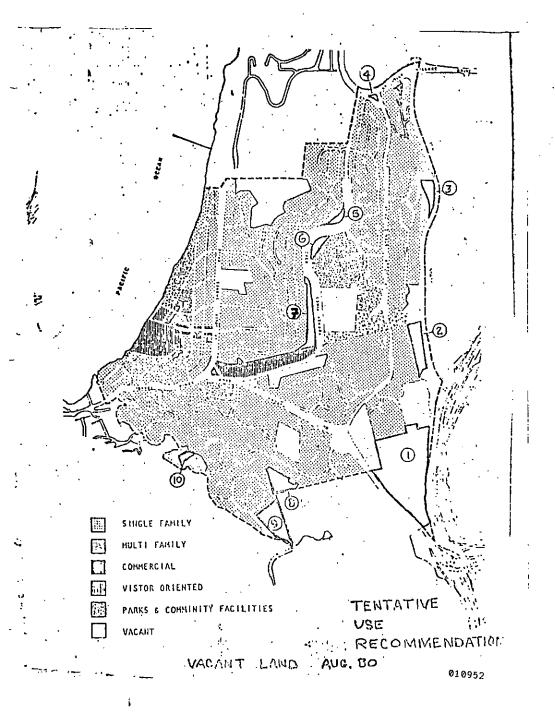
Topography and contiguous land use were primary factors.

Hembers of the La Jolla Shores Association will be present at a public hearing to review in detail each of these properties and answer any questions that the City Council may have.

Sincerely.

Mark W. Steele

Chairman of the La Jolla Shores Association Planning Committee



## COMMENT LETTER F



TO: City of San Diego Development Services Center The City of San Diego Entitlements Division Attn: Allison Sherwood, Environmental Planner 1222 First Avenue, MS 501, San Diego, CA 92101

FROM: Oliver W. Jones, M.D.
President, Taxpayers for Responsible Land Use (T.R.L.U)
8635 Cliffridge Avc. La Jolla, CA 92037-2113
Pho. (858) 453-0201

RE: Draft Mitigated Negative Declaration (JO: 42-0276) Project No. 149437 Applicant: Hillel of San Diego

I am grateful for the opportunity to respond to the Draft Mitigated Negative Declaration, JO: 43-0276. There will be introductory comments followed by specific statements related to appropriate sections in the Draft document.

#### INTRODUCTORY COMMENTS:

- F-1. To begin, Hillel states falsely that Hillel of San Diego owns Site 653 (see line 7, under Section I, Purpose and Main Features, page I titled, Initial Study, Project No. 14937). Hillel does not own anything at this time including the single family residence at 8976 Cliffridge Ave. used illegally as an office for multiple individuals during the past several years. As you are probably aware, The City prepared a similar MND (No. 6098) regarding this project in 2005. The San Diego Superior Court rejected that MND as unlawfully inadequate; the sale, permits, request for an EIR are currently under litigation in court. The current Draft MND-JO: 42-0276 begs for an Environmental Impact Review (EIR). There is no question that otherwise, this current MND will also go to litigation.
- By Hillel's own admission, the current project proposal is "99% of the previous proposal and 1% new". The previous proposal was deemed inadequate, requiring an EIR and with the intervening developments of increased traffic demands involving Torrey Pines Road, La Jolla Village Drive and La Jolla Scenic Drive plus the loss of off-site parking arranged with UCSD, there is even more reason for a thorough EIR. Why has Hillel chosen to submit the old proposal with "1% new" additions? One can only assume that adding solar panels to the roof of the proposed building, thus qualifying it as a "sustainable building project" plus the "99% plus 1%" concept would get the project reviewed under the Expedite Program, so here we are. Hillel claims that the solar panels will provide 30% of the energy needed for the structure but of course offers no data to support that claim. The issue of "analysis" will surface more as I move to specific sections in the current MND but I am sure you are aware that the various consultants noted in the document were bought

| F-I | In the Summer of 2007, the judge declared that the sale of the Site 653 parcel was final. Hillel is the owner of Site 653. |
|-----|--|
| F-2 | The sale of Site 653 is not part of the litigation.  |
| F-3 | The judge did not rule that an EIR is required for the project.  |

and paid by Hillel thus the results, though predictable, are flawed and incomplete. At various advisory committee meetings Hillel has described how they have polled UCSD students regarding the number who would walk/bike from campus rather than ride in a car, also polling students as to attendance at various functions in the proposed building. The results again were predictable and wildly speculative. This brings me to another important point. Hillel repeatedly states that approximately 200 students will attend activities in the propose building, this is quite misleading because the building will be constructed to accommodate 800 people. UCSD continues to grow thus it is most likely that with possibly the exception of the first few months of existence, the proposed project will be serving 4 times the number of people described in the Draft MND. For this reason, my comments related to specific environmental issues in the Draft MND will be based upon the intended use for some 800 individuals at the applicant's proposed structure.

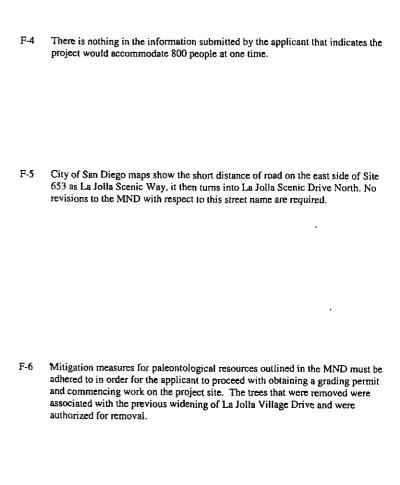
Throughout the Draft narrative and its attached maps, both La Jolla Scenic Drive North and La Jolla Scenic Way are described. It is my understanding that in past years there was indeed a La Jolla Scenic Way. This was a short stretch of street at the corner where one may turn right off of La Jolla Village Drive onto what was then La Jolla Scenic Way, becoming almost immediately, La Jolla Scenic Drive North. I have driven along all streets surrounding Site 653. I do not find any designation of a La Jolla Scenic Way. All the street signs in the area say, La Jolla Scenic Drive N. Since the initial paragraph of the Draft MND describes the proposed project's parameters and includes the descriptor, La Jolla Scenic Way, the City should put up an appropriate street sign to designate just what is La Jolla Scenic Way, or La Jolla Scenic Way should be eliminated from the Draft. Presently there is no evidence for La Jolla Scenic Way; my response will use La Jolla Scenic Drive N when referring to the area.

#### PALEONTOLOGICAL RESOURCES:

This appears to be a thorough, logical and laudable section of the draft MND. What is the likelihood that the applicant will abide by the stated rules? They are slim, fat and none. There is a point worth making in response to the section Biological Resources, page 8 of the Initial Study. It is true that at present the proposed project would have no "significant biological impact" but this is now a moot point. That section also states that presently there is one eucalyptus tree, two ornamental pine trees and one fan palm tree on Site 653. Up until about 3-4 years ago there were several large trees on Site 653 serving as a home for Cooper's and Red Tail hawks. Someone at City, perhaps in collusion with the Councilman from District 1's office, authorized buildozing of those trees; thus in a twinkling the possible biological impact on Site 653 was eliminated. This is but one example of the deviousness from City, Councilman Peter's office and Hillel during past years. Enclosed with my response are photos from those years past showing the trees that once flourished on Site 653 (please see attached photos).

#### PARKING:

My opinion remains steadfast; the City's MND reflects the environmental impact for a project completed today. It should reflect the environmental impact at a time the proposed Student Center is fully active and UCSD growth, i.e. student population, is at steady-state.



Since MNo. 6098 was proposed, significant changes affecting environmental impact have already occurred. For example, the parking lots offered by UCSD to Hillel for off-site parking have been rescinded; the University will use the space in the two lots for University housing and at least one other project. UCSD will offer other parking lots but none as convenient. Moreover, the agreement to provide off-site parking is not binding and can be rescinded at any time. In a separate issue, the large open space on the west side of Torrey Pines Road as you drive North on Torrey Pines Road, approaching the intersection with La Jolla Village Drive, is soon to become home to the Ventnor Human Genome Center with the resulting increase of traffic entering Torrey Pines Road and La Jolla Village Drive. Just south of the soon-to-be Genome Center is the community soccer field, Allen Field. Proposals are under way to add parking to that field. New buildings continue to appear on the UCSD campus, the University is growing with expectations of some 30-35 thousand students in the not-too-distant future thus it is misleading and erroneous for the applicant to offer "analysis" as though the proposed building would be in place within months. Because all of this is speculation, it is just as appropriate for MND-JO: 43-0276 to consider environmental impact present at a "steady-state" rather than simply an impact if construction was underway today. The applicant's proposal in MND-IO: 43-0276 is "99%" the same proposal in MND 6098 yet there is no effort to update environmental issues present some 2-3 years later.

The applicant's proposal defines a public assembly capacity of approximately 800 people. This number requires at least 200, not 68, on-site parking spaces. Moreover, there will be up to 12 stall people as a constant in the proposed Hillel Center thus even for the proposed 68 on-site spaces, 60 or less will be available for student attendees. The applicant proposes a garage entrance/exit from La Jolla Village Drive N (a.k.a. La Jolla Scenic Way) The response to this proposal is quite simple; in order to facilitate traffic flow on the street, no curb cuts are allowed on La Jolla Scenic Drive N (a.k.a. La Jolla Scenic Way). To do so is in violation of the street's dedication.

The client proposes use of "lifts" to provide the proposed parking spaces; thus cars will be stacked and the top car unavailable for use until the car beneath is removed. Remember we are considering college students here. After a single experience waiting in queue to have your car stacked and waiting for your car afterwards, it is most likely that students will see the on-street parking at nearby residences as a much better option. Shuttle vans too will clog the garage, going and coming. As one turns from La Jolla Village Drive on to La Jolla Scenic Drive N, there are approximately 6 car spaces before (illegal) entry to the parking garage. While valet service is stacking entering cars, there is no question that cars will be backed up from coming East on La Village Drive. Moreover, those 6 parking spaces described above will be lost. Proposed off-site parking at some distance away, on the UCSD campus will simply not be used when students see there is available curbside parking on streets nearby the proposed Hillel Center. This "analysis" is flawed and merely self-serving by Hillel. Hillel's claim that if the shared parking agreement, presumably with UCSD, is rescinded then attendance at the Hillel Center will be limited. This is patently absurd and completely unenforceable.

INITIAL STUDY: PROJECT No. 149437

F-7 UCSD has determined that surplus parking is available during the times of Friday night Shabbat services and occasional special events and the parking is within the required distance from Hillel. Further, it is a condition of approval that the off-site parking remain available during these times.
F-8 All technical reports required for the proposed project have been updated to include an analysis of any revisions to the project description as well as changes to the site and surrounding traffic counts. Additionally, the project is required to comply with any updates to applicable laws or thresholds that may have changed since the previous project was processed.
F-9 Refer to comments E-1 and F-4.

F-10 There is space on-site for up to four cars to queue for the garage entry as well as

space within the garage for 8 cars to queue while waiting to park. Parking

Transportation Demand and Parking Management Plan includes measures to ensure that the parking and circulation will reduce congestion in the area during

special events at the Hillel facility.

mitigation measures outlined in the MND will ensure that attendants at events at

Hillel will not proceed without shared parking agreements in place. The approved

#### MND-IO: 43-0276

#### PURPOSE AND MAIN FEATURES:

The applicant's "99% same" project was previously described in MND No. 6098. That proposal was rejected as unlawfully inadequate so what is new except solar panels and car lifts in an already inadequate garage? Let us begin with the single family residence at 8976 Cliffridge Ave. just across the street from the western edge of Site 653 and owned by the Potiker Trust, Hillel has occupied this residence illegally for the past 3-4 years, converting it from a single family residence to a commercial building housing Hillel staff. Hillel's proposal includes a continuation of use as a commercial enterprise for staff, also requesting that City give a portion of the proposed street vacation, some 878 sq. feet, to the private owners of the 8976 Cliffridge residence This is in direct violation of housing code for the area and begs the question why does City continue to permit this use. Hillel has not stated what they intend to do with the residence after all construction is complete but it seems quite clear they would like to change the housing code for the residential area permanently. This would have serious environmental impact on the single-family residential neighborhood. A housing code change cannot be even considered for any "special interest group" to the detriment of the surrounding neighborhood, "Spot Zoning" is also illegal. It has not slipped my attention that the owner of the property at 8976 Chilfridge Ave. has donated generously to UCSD perhaps impacting on UCSD's decision to assist Hillel in their Center project by providing off-site parking.

Including the residence at 8976 in Phase 1 of the proposed project, requires the City to vacate the adjacent street with additional loss of some 6-7 street parking spaces. In addition, Hillel seeks street vacation on the north side of La Jolla Scenic Drive N. Hillel has done this without discussion with any of the neighbors on La Jolla Scenic Drive N., across from Site 653. In consideration of street vacation, people on both sides of a proposed street vacation should benefit. In this case, Hillel and only Hillel will benefit from the proposed vacation. Vacation of the street adjacent to 8976 Cliffridge Ave. confers ownership of the path/walkway people now use to cross the street at the intersection of Torrey Pines Road and La Jolla Village Drive. Hillel would now own the pedestrian/bicycle way to that intersection.

Upon direct question, Hillel has stated that the proposed Student Center would not be available to residents in the area for meetings, etc. thus remaining exclusive. There is not a single benefit to the residents of the area.

In the section dealing with grading (page 3 of 10 in the INITIAL STUDY), Hillel states that "approximately 7600 cubic yards of material will be exported offsite" and further, there would be "8,000 cubic yards of cut with a maximum depth of cut of 10 feet". These figures may not be current and should be reviewed. Current calculations, based on current dimensions and drawings indicate that 9925 cubic yards of evacuation (including 10% bulking factor) would be removed at a depth of 14 feet and requiring hauling loads of 330 trips one way. Incidentally, MND-JO: 43-0276 does not describe a parking site for construction vehicles during construction.

| F-11 | Refer to comments A-6 and A-7.  |
|------|---|
| F-12 | The area proposed for the street vacation will still allow the public to pass through from the cul-de-sac to the intersection. Hillel proposes to place plaques in the sidewalk at both ends to explain the public's use of the easement. |
| F-13 | While the Hillel facility would not be available to the public for meetings, Hillel has stated that anyone can attend Shabbat services.   |
| F-14 | Refer to comment B-69.  |

Dust generated by construction is termed, "fugitive dust". Particle matter, PM 10, is small enough to lodge in lung tissue. Childhood asthma has reach epidemic proportions in this country and chronic pulmonary disease, i.e. emphysema, is also a major health problem. MND-JO: 43-0276 does not address the issue of "fugitive dust", the amount and environmental hazard it poses to those residing in the neighborhood of the applicant's proposed construction.

#### TRANSPORTATION/PARKING:

To reiterate, the proposed parking garage plan is inaccurate and inadequate for the proposed Student Center. Why does Hillel propose a Center large enough to accommodate 800 people but claim that only 200 are expected to attend functions. The proposed 68 parking spaces is thus incorrect, more like 200 are needed. The analysis offered by Hillel (Linscott, et.al.) does not even address the question; what if 400 to 800 people do attend events at the Center? The Linscott "analysis" also does not address the issue of space accessibility; the rate at which cars can be stacked/unstacked on the lifts: possible hazards associated with lift function and location to van drop-off in the garage; impact on traffic on La Jolla Village Drive N. and obstruction to La Jolla Village Drive N. during trash/garbage pick-up. It is not possible that trash pick-up trucks can enter the proposed garage structure thus must remain on La Jolla Village Drive N. during pick up. The Linscott "analysis" is speculative in assuming that all garage overflow parking will go to UCSD parking lots. Nearby on-street parking will be much more attractive to students. It is anticipated that this issue will become even more serious when students realize how much time is spent trying to be parked in the garage on lifts. There needs to be analysis of the worst case scenario relative to garage, off-site and on-street parking. The Linscott "analysis" fails to even mention traffic/parking issues related to nearby UCSD campus events at the La Jolla Playhouse, Mandel Weiss Theatre and Mandel Weiss Forum.

Traffic hazards are scarcely mentioned in MND-JO: 43-0276. This letter has already described the traffic obstruction certain to occur as people queue in their vehicles to enter the garage proposed for the Hillel Center. The Linscott "analysis" does not include traffic aiming for the Gilman Drive off-ramp from La Jolla Village Drive. This traffic and the traffic aiming to turn right on La Jolla Scenie Drive N. usually share the same lane thus any delay for cars entering the Hillel Center garage will impact on all traffic in the lane headed for Gilman Drive or La Jolla Scenie Drive N. This needs analysis.

Torrey Pines Road heading North from La Jolla is one of the busiest streets in the area and its intersection with La Jolla Village Drive, also one of the busiest, is without question one of the most dangerous intersections in San Diego. For pedestrians seeking to cross that intersection from the UCSD campus, the crossing is relatively safe because cars on that side of the intersection, headed north on Torrey Pines Road, cannot make a right turn. There is no entry to UCSD campus at this point. On the other hand, pedestrians seeking to walk across the Torrey Pines Road/La Jolla Village Drive intersection in order to enter the UCSD campus, face an entirely different safety issue. There is no question that eventually, some mother's daughter or son is going to be killed at this intersection. There are two hazardous situations at this intersection for pedestrians or people on bicycles. First, there are two parallel vehicle lanes for a right-hand turn from Torrey Pines Road on to La Jolla

F-15 Refer to comment B-68.

F-16 A condition of approval of the project is to limit attendance of any event to 400 people and limit the number of special events per year. This small amount of times per year that large events would be held does not warrant analysis, as discussed in the traffic study. The amount of times per year that a special event will occur the same night as a La Jolla Playhouse or Mandel Weiss event will be very small and does not warrant an analysis.

- F-17 The traffic analysis of the La Jolla Village Drive/La Jolla Scenic Way intersection includes eastbound vehicles destined to Gilman Drive. Refer to comment B-37 for why the Gilman Drive off-ramp itself is not included in the analysis study area.
- F-18 through F-21 The identified intersection is a controlled intersection with pedestrian crosswalks and controlled pedestrian lights. Staff research indicated there have been no reported pedestrian accidents at this intersection. The project is calculated to add four AM and PM peak hour trips to this intersection, which currently carries over 2,000 AM and PM peak hour trips. This extremely small amount of additional traffic does not warrant further accident analysis.

- Village Drive. Vehicles in the closest lane for a right-hand turn can readily watch pedestrians/cyclists as they start to cross that intersection. In contrast, people driving in the right-hand turn lane farthest from the intersection corner, frequently have obstructed vision because the adjacent vehicle may be larger thus blocking a driver's vision of people as they start to cross the intersection. Second, there are two signs that forbid right hand turn on to La Jolla Village Drive when the stop light at that intersection is red. One of the signs is
- fr-20. some distance away on the other side of the intersection and one sign is directly on the corner where drivers make the right-hand turn. Unfortunately, the corner sign too may be blocked from view to drivers on the farthest right-turn lane from Torrey Pines Road. Our brains are imprinted with the reflex that right-hand turns on red lights are legal at most intersections but a preoccupied driver, i.e. cell phone, may fail to see or to think about an illegal right-hand turn on a red light at this intersection and plow into someone beginning to walk or cycle across the intersection. There already have been near-disasters at this site. Hillel claims that a majority of students will walk or cycle to the proposed Center. This is wildly speculative but let's say that one-third of attendees choose to walk or cycle. For a significant portion of the year, returning from the Center will be at dusk or even night. This increases the hazard at the intersection described above because of the reduced night vision for drivers and the number of people crossing. The Linscott "analysis" does not even

that City and Hillel had failed to address the potential problem.

Traffic flow along Torrey Pines Road headed north and along La Jolla Village Drive can be monstrous. Already, drivers wishing to avoid the Torrey Pines Road/La Jolla Village Drive intersection but needing to head east on La Jolla Village Drive, are choosing to turn right at Glenbrook off Torrey Pines Road then left on Cliffridge Ave., north to Site 653, turning right there on to La Jolla Scenic Drive N. then back left to pick up La Jolla Village Drive

where it intersects with La Jolla Scenic Drive N. Hillel's proposed street vacation on La

mention this risk issue. It would be sad if a tragedy had to occur before someone realized

F-22 Jolla Scenic Drive N. where it parallels Site 653 will add to traffic congestion and create more hazard for children living along those streets. The MND-JO: 43-0276 should include analysis of this traffic flow as well as analysis of environmental impact when the Genome Center and increase Allen Field parking, both off Torrey Pines Road are complete.

Analysis is needed for the impact on parking sites if the proposed street vacation along La

F-23. Jolla Scenic Drive N. is approved.

#### SUMMARY:

- F Q4 1. Project 149437 is an inappropriate use for Site 653
- F-Ab., 3. Project 149437 is for the exclusive use of non-residents in the neighborhood. It provides no benefit whatsoever to residents in the neighborhood.
- 4. Project 149437 seeks street vacation without discussion or benefit to residents living directly across from Site 653. Moreover, the sought-for street vacation offers additional space, without cost, to a private owner of the property at 8976 Chilfridge Ave. This property is currently in use illegally as commercial property.

- F-22 The existing heavy traffic on Torrey Pines Road and La Jolla Village Drive is accounted for in the baseline traffic counts to which project traffic was added.
- F-23 The traffic analysis used the adopted Sandag travel forecast model, which takes into account the 2030 plan. It is assumed that these projects were anticipated in that forecast model.
- F- 24 The use is allowed in the La Jolla Shores Planned District Ordinance, Section 1510.0303(e).
- F-25 No significant unmitigated impacts would result from the project, therefore an EIR is not required to be prepared under CEQA.
- F-26 Refer to comment F-13.
- F-27 Refer to comment F-12 and A-7.

- F-28. 5. Project 149437 seeks to change zoning law in the area from single-family residence zoning to mixed-use zoning contrary to the La Jolla Community Plan.
- F-29.

  6. MND-IO: 43-0276 does not offer analysis of health hazards related to "fugitive dust" associated with proposed construction of a Student Center.
- 7. MND-JO: 43-0276 offers no analysis of the potential life-threatening hazard due to pedestrian/bicycle flow attempting to cross the intersection at Torrey Pines Road/La Jolla Village Drive headed toward the UCSD campus, especially at dusk and nightfall.
- 6. 8. MND-JO: 43-0276 does not recognize there will be a huge increase in demand for olf-site, mainly on-street parking. This emphasizes the importance of an EIR. The MND appears to rely solely on information provided by the applicant; big mistake. For example, the MND checklist states that the proposed project will not have an effect on existing parking but guess what! The project text states the on-street parking spaces will be reduced by 12-15.
- F- 32. 9. Traffic hazards abound but analysis is woefully incomplete.
- F-33 10. The applicant seeks an easement that will remove the current pedestrian/bike path from public to private ownership.

#### CONCLUSION:

I respectfully submit that MND-JO: 43-0276 for Project No. 149437 is inadequate and that an Environmental Impact Report (EIR) is required under the California Environmental Quality Act (CEQA). The City would be reassured if an EIR confirmed the opinion stated in the Draft MND; moreover it could reduce the hostile feelings among single-family residents of the area that we have no voice as taxpayers (Oh, I nearly forgot, the applicant's proposal would be tax exempt). I am not saying that after an EIR we would all march arminarm singing, "kum-ba-yah", but an EIR, even if it favored the applicant, would help ease the situation. All we seek is the truth; otherwise, I am afraid it is back to the courts.

Oliver W. Jones, M.D.

- F-28 Refer to comment A-6.
- F-29 Refer to comment F-15.
- F-30 Refer to comment F-18
- F-31 The number of on-street parking spaces that would be lost due to the project would be 15 spaces in total. 12 spaces are lost due to the street vacation at the culde-sac at the end of La Jolla Scenic Drive North and an additional three spaces would be lost due to the driveway and necessary red curbing along La Jolla Scenic Way. Refer to comment B-49.
- F-32 Refer to comment F-18.
- F-33 Refer to comment F-12.

#### SITE 653 PHOTOS -- EARLY DAYS 2000 -- 2004

Community efforts to retain Site 653's zoning as Open Space and Proposal to Landscape

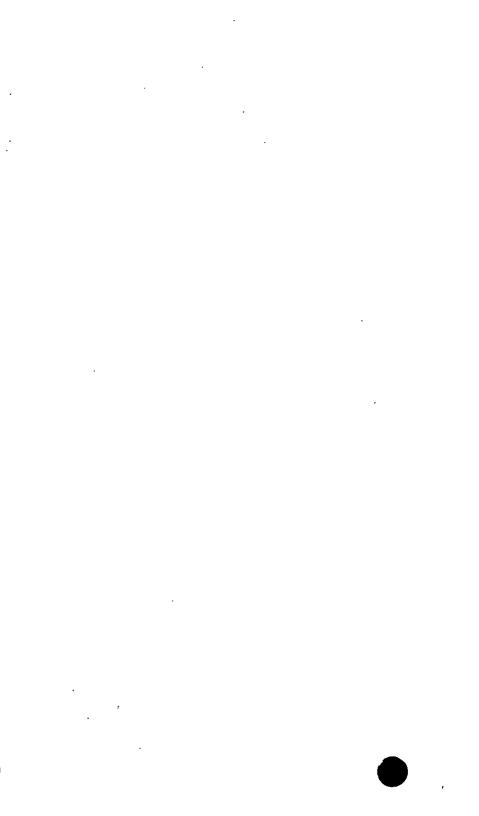


Photo (above) shows southern tip of Site 653 and weed abatement in process.

Photo (below) shows northern tip of Site 653 and existing bus stop along La Jolla Village Drive.

Note – Trees have since been cut down by the city without prior notice to the public.



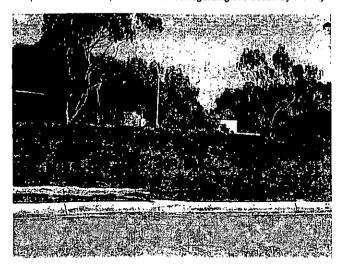


#### SITE 653 PHOTOS – EARLY DAYS 2000 – 2004

Community efforts to retain Site 653's zoning as Open Space and Proposal to Landscape



Photos show trees previously on Site 653 that have since been cut down. No public notice or input was received regarding this action by the city.





## La Jolla Community Planning Association

#### 5 September 2008

Allison Sherwood Environmental Planner City of San Diego Development Services Center 1222 First Avenue, MS 501 San Diego, California 92101

#### RE: HILLEL Draft Mitigated Negative Declaration JO: 43-0276 Project No. 149437 (MND)

#### Dear Ms. Sherwood:

Thank you for granting a 2 day extension until September 5 so that the La Jolla Community Planning Association would be physically able to submit a response to your 46 page Draft Mitigated Negative Declaration (MND JO: 43-0276 / Project No. 149437) following deliberation at its regular meeting on September 4.

Firstly, please take notice of the following actions before our meeting of September 4.

7/24/2008 actions of La Jolla Traffic and Transportation Board regarding traffic, parking and street vacation issues of proposed Hillel project:

- Cannot make findings on Street Vacation (motion passed 3-2-1).
- Deny project due to parking issues (motion passed 4-0-2).
- Project creates an inadequate transportation plan with impacts on adjacent intersections and pedestrian movements (motion passed 4-2-0).

8/26/2008 action of La Jolla Shores Permit Review Committee regarding Hillel of San Diego, La Jolla Project Number: 149437:

 Deny project because findings cannot be made to support based on detrimental street vacation, insufficient parking and non-approved use of a student center in the PDO (motion passed 4-1-0).

Secondly, as to Section V MITGATION, MONITORING AND REPORT PROGRAM

Regarding Mitigation 6 under Parking, "...in the event of cancellation of the shared parking agreement..."

There is no mechanism for the City to be notified upon the cancellation of the agreement.

G-1 Refer to comment B-60.

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Regarding Mitigation 8 under Parking, "...Special Events for the first 12 months shall be limited to six...number may be increased to a maximum of nine ..."

This increase should not be at the Director's "sole discretion" but should be under at least
a Process 2 Substantial Conformance. There are no criteria offered as to why such an
increase should be granted.

Regarding Mitigation 8 under Parking, "...Code Enforcement will be in charge of supervising the number of these events."

- Is Code Enforcement aware of this new assignment?
- Does Code Enforcement have an increased budget for this extra work?
- What staff position at Code Enforcement will do this extra work?
- what staff position at Code Enforcement will do this extra work
  - How often will Code Enforcement take the initiative to check on the number of events?
  - What will Code Enforcement do if the number of events exceeds the limit?
  - What recourse will environmentally affected members of the community have if Code
     Enforcement fails to effectively supervise the number of events?

<u>Thirdly</u>, the MND is deficient by failing to include a section on Land Use and Community Character. This failure seems to stem from errors in fact and analysis contained in the Part III "Environmental Analysis" / "Preliminary Study" dated May 2008 which begins at the 27th physical page of your MND. We respectfully submit the following list of MND errors.

III. I. C. Project bulk, scale, materials, or style which would be incompatible with surrounding development?

G-H MND says: No

LJCPA says: Yes, because a 12,100 square foot student center and 17,000 square foot garage are grossly out of proportion to the surrounding residences as can be seen by visiting the site.

III. I. D. Substantial alteration to the existing character of the area?

MND says: No, because "Proposed project would be consistent with the character of the area."

- LJCPA says: Yes, because starting the process of allowing administrative office use and university student dining and event facilities to cross the road from the UCSD campus to a residential area of single family homes would alter the character of the area from low-key residential to commercial and university. See also discussion under III.X.A.
  - 111. 1. E. The loss of any distinctive or landmark tree(s), or a stand of mature trees?

MND says: No.

| G-3 | Refer to comment B-60.  |
|-----|---|
| G-4 | The Hillel project is compatible with the neighboring structures – it is one-story, the subterranean garage is only visible from a main thoroughfare with other structures that are over two stories in height. The nature and color of the structures materials are similar to other structures in the neighborhood, and the design provides landscaping in excess of what is required.  |
| G-5 | The Hillel facility's sole function and purpose is for religious purposes to promote the Jewish faith spiritually, educationally, and socially to the students at UCSD. All mentioned ancillary uses support the religious purpose and programming of the facility. Hillel is not providing student dining services similar to on campus dining facilities. Hillel will provide Friday night dinner following religious services and occasional meals related to the religious use of the facility. |

G-2 This mitigation was developed per conditions agreed upon by the City Council

and the City Council hearing for the previous project, in 2006.

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- LJCPA says, Yes, if one considers the trees which were there before someone cut them down. The proposed project would be a loss to the potential restoration of those trees and home of raptors which neighbors saw living in them.
  - III. I. H. Substantial light or glare?

MND says: "The proposed one-story project would not result in substantial light or glare."

- G-7.

  LJCPA says: Glare from headlights of vehicles exiting the proposed student center garage might disturb persons living in the neighborhood. The MND failed to consider how headlights might affect the residents across La Jolla Scenic Way and whether there are measures to mitigate those impacts.
  - III. X. A. Land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project?

MND says: "The proposed project is consistent with the adopted La Jolla community plan dated February 2004. The project is zoned Single Family Zone within the La Jolla Shores Planned District and the proposed use for the project is consistent with that zone."

LJCPA says: The project is <u>not</u> consistent with the La Jolla Community Plan or the uses permitted in the La Jolla Shores Planned District Single Family Zone for the <u>reasons stated</u> below.

#### GENERAL COMMUNITY GOALS - From page 8 of the Community Plan

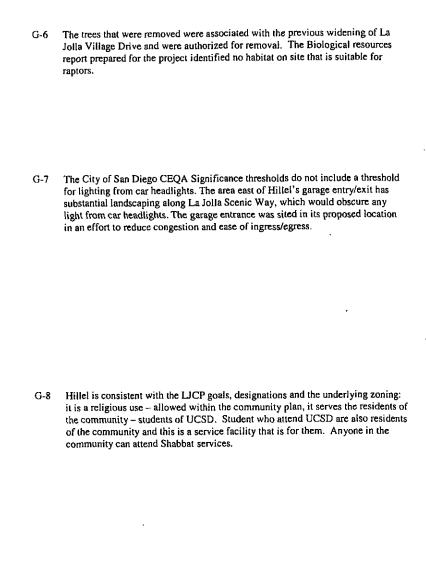
- Maintain La Jolla as a primarily residential and recreational oriented community by
  protecting its residential areas and historic resources, maintaining its public recreational
  areas, and enhancing its commercial districts.
- The physical barrier of La Jolla Village Drive provides a very real and distinct barrier between the institutional and higher level education of UCSD and the single family residential area. This project would breach that barrier and introduce a university-oriented institutional use that is neither oriented to nor compatible with the residential area.

From the La Jolla Shores Planned District Ordinance: \$1510.0303 Single-Family Zone - Permitted Uses

- (a) One-family dwellings.
- (b) Accessory uses and buildings customarily incidental to the foregoing permitted use including the following:
- (c) Public parks, public playgrounds and golf courses.
- (d) Schools limited to primary, elementary, junior and senior high schools.
- (e) Churches, temples or buildings of a permanent nature, used primarily for religious purposes.

[emphasis added]

From the City's documents we find:



Letter to: A Project No. 149437 (MND)

RE: HILL | Mitigated Negative Declaration JO: 43-0276 Project No. 149437 (MND)

2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 2008 | 20

- Notice of Application dated June 24, 2008 states "...a phased project to construct a 12,100 square foot student center..." [emphasis added]
- Draft Mitigated Negative Declaration dated August 14, 2008, "...construction of a new...student center..." [emphasis added]
- · Initial Study, "...construction of a new...student center..." [emphasis added]

The La Jolla Shores Planned District Ordinance is the implementing tool of the Community Plan. The ordinance is quite clear that the single family zone permits only one-family dwellings, public recreation, primary & secondary schools, and buildings used primarily for religious purposes—all uses that are oriented towards residents. The proposed facility is primarily a student center that apparently has some religious purposes as an additional use. The primary use of the building is not oriented to the residential neighborhood but towards the institutional use of UCSD students. The proposed facility is clearly intended to have university student activity on a daily basis from 7a to 10p, seven days a week and the apparent criterion for using its facilities is affiliation with UCSD. In contrast to a UCSD student center, houses of worship within the meaning of §1510.0303 (e) are open to all of those with an interest in their religious use. For example (emphasis added):

- Congregation Beth Israel of San Diego: "We <u>actively welcome individuals and families</u> interested in participating in Jewish life <u>and those exploring Judaism</u> and provide opportunities to find, in personal and communal ways, inspiration, comfort and holiness. We encourage you to explore all our Web site and our community have to offer." www.cbisd.org
- Congregation Beth El: "Membership in Beth El is not a ticket to activities--our doors
   are open to all. Rather, it is a way to participate in the service of doing. It is being a
   part of the mitzvah of helping to create and sustain Jewish life for those who want it,
   need it, and are enriched by it." www.congregationbethel.org
- Congregation Adat Yeshurun: "The University of California, San Diego (UCSD) is just
  north of us and many students attend services at Adat and share meals with families in
  the community." ... Adat might be for you. Contact us if you're going to be in the
  area and we'll happily help you find accommodations and meals."
  www.adatyeshurun.org

#### GENERAL COMMUNITY GOALS - From page 8 and 39 of the Community Plan

conserving open space is a community goal

6-9

6-10.

The proposed "street vacation" by which applicant seeks to more than double its land from 0.35 acres to 0.81 acres would violate the community's goal of conserving open space which was already violated once when site 654 was rezoned by a "misunderstanding about the parcel's designation as open space, which the community pointed out and the City staff later admitted." <a href="http://www.sandiego.gov/citycouncil/cd1/neighborhoods/lajolla/ljvillage/june02.shtml">http://www.sandiego.gov/citycouncil/cd1/neighborhoods/lajolla/ljvillage/june02.shtml</a> Let there be no further misunderstandings – the community wants to preserve the open space that would be lost with a "street vacation"

G-9 The La Jolla Shores Planned District Ordinance (LJSPDO) allows for facilities used primarily for religious purposes in the single-family (SF) zone. This facility caters to those students who wish to involve themselves in their religious observances, religious education opportunities or religious counseling. Anyone who wishes to attend a religious service or special event at Hillel may do so.

G-10 Hillel is proposing more than 20,000 square feet of landscaped area that is currently vacant, of which 10,000 square feet will have amenities for the community including and enhances bike path, and pedestrian access between La Jolla Village Drive and La Jolla Scenic Drive North. The area also includes a drinking fountain, trash receptacle and three seated benches to be maintained by Hillel, along with the planting of native Torrey pines on the property.

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#### III. XVI, TRANSPORTATION/CIRCULATION

The MND fails to include a section on Mobility. The MND relies on the arcane thinking that analysis of peak hour traffic and intersections is the only perspective worth considering in assessing impacts.

#### Bicycles

6-11.

While the all-walking and all-driving scenarios are unlikely, the site plan fails to anticipate the highly likely use of bicycle for students in on- or near-campus housing to access the facility. While City standards require a paltry 1 bicycle space (0.1 spaces per 1000 sf or 2% of required parking), bicycle use is likely to be significant at this facility; yet, the plan provide no apparent place to park bicycles. To encourage both the use of bicycling as well as provided for orderly parking/storage, require a designated area for bicycles.

#### Transit

The vacation of the public right-of-way would result in an <u>irreversible</u> loss of the opportunity to eliminate the current conflict between the eastbound bus stop on La Jolla Village Drive, easterly of Torrey Pines Road, and the east-bound right-hand through travel lane and the bicycle lane.

#### Pedestrian

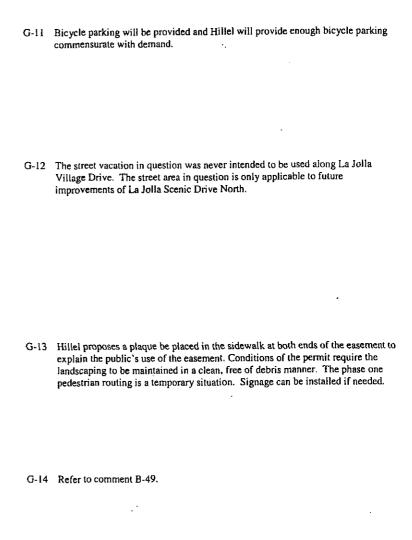
The plan and traffic study fails to recognize the significant pedestrian and bicycle use between the La Jolla Scenic North and the La Jolla Village/Torrey Pines Road intersection and fail to recognize this use occurs during both daylight and nighttime hours. The route is currently unencumbered and contained within reasonable well lit and safe public right-of-way. The following mitigation measures will ensure the free and safe use of this route:

- The pedestrian/bicycle path should be a public right of way and not a public easement. There should be signage and markers to clearly indicate the public's right to use this route.
- The "Torrey pines forest" should be scaled back so that night time use has clear visibility
  from LJ Scenic North, Torrey Pines Road, and LJ Village Drive including compliance
  with City of San Diego "street light standards". Trees should be trimined so that that
  there are no branches below eight (8) feet.
- The Phase 1 pedestrian routing is not acceptable and would discourage public use. Retain
  the current access route until Phase 2

#### III. XVI. D. EFFECTS ON EXISTING PARKING

MND says: "...The project will reduce the on-street parking spaces by approximately 12-15 parking spaces."

G-14. LJCPA agrees but also asserts that the MND must provide mitigation to replace the lost on-street parking because this area (which is within the Campus Parking Impact Overlay Zone) is already overly impacted by UCSD students and personnel using the residential



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streets for parking. Elimination of those on-street parking spaces closest to the university would push the "campus parking impact" deeper into the residential area.

In summary, the CPA finds the MND and the Initial Study to contain factual errors and inadequate analysis. The analysis needs to be redone to make the noted corrections and amplify the analysis. Further, we believe that this can best be done in a full environmental impact report.

Respectfully Submitted,

LA JOLLA COMMUNITY PLANNING ASSOCIATION

By Joe LaCava, President

G-15 Comment noted.

### COMMENT LETTER H

## LA JOLLA VILLAGE ESTATES HOMEOWNERS' ASSOCIATION

August 25, 2008

Allison Sherwood Environmental Planner City of San Diego Development Services Center 1222 First Avenue, MS 501 San Diego, California 92101

SUBJECT: Draft Mitigated Negative Declaration JO: 43-0276

Project No. 149437

Dear Ms. Sherwood:

We, the Board of Directors of La Jolla Village Estates (more commonly referred to as La Jolla Shores Heights), a neighborhood of 128 single-family, individually-owned, attached homes located east, across La Jolla Scenic Way, of the proposed project, request that several issues important to our neighborhood be correctly and fully addressed before the final draft of the environmental document is certified.

As directors of a homeowner association, our primary responsibility is to protect the fiduciary interests of the Association and the safety and quality of life of its residents. Our comments here are not intended to reflect or take the place of the opinions, either in support or in opposition, of individual members of our community. While a great deal may be said of the proposed project, we have attempted to limit the scope of our remarks to those aspects that directly affect our Association's interests.

#### Attribution of Our Neighborhood

Figure 3 of the Initial Study indicates our neighborhood, located directly east of the site, across La Jolla Scenic Way, to be "Existing Multi-Family Houses." This is incorrect.

As previously stated, we are a neighborhood of attached single-family homes. Our Association operates as a Planned Unit Development (PUD), with each owner in outright possession of their own deed and collectively sharing adjacent common area such as streets, guest parking spaces, trails, and recreational facilities.

Our neighborhood is listed as Low Density Residential (5-9 DU/AC) by the La Jolla Community Plan and as Single-Family in the La Jolla Shores Planned District Ordinance and on the City of San Diego Development Services's Official Zoning Map.

C/O PERNICANO REALTY: 2851 CAMINO DEL RIO SO., SUITE 230, SAN DIEGO, CA 92108 TEL: (619) 543-9480 . FAX: (619) 543-9625 . ELLIEB PERNICANDREALTY.COM

H-1 Figure 3 in the MND has been revised to state "Existing Single-family homes".



The homes abutting La Jolla Scenic Way in our neighborhood are situated approximately four (4) to eight (8) feet below the street level. The proposal's aboveground structure would reach a height of 20'-4" (Initial Study, page 2), and its north-easternmost corner would rest approximately 14 feet (Initial Study, page 3) above La Jolla Scenic Way. These figures suggest that the Phase II's structure would rise anywhere between 24 and 42 feet above the street level of Caminito Verano, the closest street to the project in our Association.

The implications of such an imposing structure are the potential for limited late afternoon sunlight and a loss of privacy, primarily from the patio located at the site's northeastern corner (Initial Study, page 2). At 12,100 square feet, the structure would also dwarf those of the homes in our neighborhood (which, even accounting for the paired nature of our units, are less than 4,000 combined square feet).

#### Glare

H- 2.

The Initial Study Checklist states, "The proposed one-story project would not result in substantial light or glare" (Initial Study, Section III.I.H). This statement neglects to consider the impact of vehicles exiting the subterranean garage.

According to the *Traffic Impact Analysis, Hillel Facility*, dated July 7, 2008, prepared by Linscott Law and Greenspan (cited by the Initial Study, page 4).

"...the largest students [sic] activity on a weekly basis would be the Shabbat services that will be held on Friday evenings starting at 6:30 p.m. In addition, dinner will be served starting at 8:00-8:30 p.m. Students are expected to start arriving between 6:00 and 7:00 p.m., with most students arriving between 7:30 and 8:30 p.m." (Traffic Impact Analysis, Hillel Facility, page 23)

This suggests that the heaviest traffic will occur for dinner and that those visitors will leave the facility no earlier than 8:30 p.m., which is after sunset even during the summer months.

Vehicles leaving the facility after dark will, by necessity, have their headlights turned on as they exit the garage. As this occurs, the lights will shine directly across La Jolla Scenic Way, into the first-floor living rooms and second-floor bedrooms of the homes that abut the street (due to the lower elevation of the houses relative to the facility's driveway). As cars turn, the headlights will eventually sweep the length of the street.

This is a light/glare impact for which there is no stated mitigation.

#### Noise

H-5.

The Noise analysis discussed in the Initial Study, based on the *Noise Technical Report for the Hillel of San Diego Project*, dated July 10, 2008, prepared by RECON (cited by the Initial Study, page 8), reports only on the impact of traffic noise on the project site—<u>not</u> noise impacts that would be imposed on the surrounding neighborhoods by the project.

H-2 The project is proposed to be 22'-0" in height as measured from grade on the site. There are numerous multi-story structures across the street on the UCSD campus.
 H-3 Refer to comment H-2. No impacts to bulk and scale would result from the proposed project. The project is below the 30'-0" height limit allowed by the zone.
 H-4 Refer to comment G-7.

Refer to comment B-79.

Specific to our property owners is the proposed garage and machinery along La Jolla Scenic Way. The Initial Study states that not only will the garage accommodate 68 vehicles; it will also include "a mechanical room, elevator, telephone cable room, service lobby and a trash/recycling area..." (Initial Study, page 3). These uses, as well as the proposed configuration of the garage entrance itself, lead to the following concerns about noise generated from the site:

- 1) Security Gate: The project proposes a security gate at the garage entrance that is to remain closed during all hours, except, perhaps, during events. Commercial-grade garage gates are not silent, and the very fact that the gate will be kept closed will necessitate the raising and lowering of the gate for every vehicular trip by staff or visitors. Considering the capacity and uses of the garage (deliveries, garbage pick-up, service calls, et al.), this could result in 136 or more instances of the gate opening and closing per day.
- 4.7 2) Intercom: Video and voice equipment will be used to remotely allow visitors to enter the parking garage. Unlike the ambient noise generated by traffic, the intermittent burst of an amplified voice is a sound that is not easily ignored and could prove disturbing to our residents—especially in the early hours of the morning or later hours of the evening when the ambient noise level from traffic is not as high.
- H-8.

  3) Increased Vehicular Noise: The security gate and parking lifts will serve as effective delays for traffic entering and exiting the structure, some of which may spill onto the street as they queue to enter. Not only would the idling vehicle engines generate a "point source" of noise (as compared to the "line source" described on page 5 of the Applicant's Noise Study, referenced above), queuing vehicles could lead to additional noise elements as frustrated drivers adjust possible traffic obstructions
- 4) Refuse Pick-up: The construction of the garage and inclusion of a trash/recycling area require that such pick-up would be performed outside of the garage (and likely in the street, as plans do not indicate satisfactory room for this task). As a commercial facility, this process will require the use of a dumpster and appropriate truck. This method of refuse collection is often louder than standard residential pick-up, would take place not far from living and bedrooms, and, because it is likely to be contracted out to a private firm, may be performed at odd hours or days, resulting in a disruption in the right of residents to enjoy their own property.
- H-10.

  5) Machinery, Elevator, Ventilation: The equipment required by the project will add to the ambient noise level along La Jolla Scenic Way. Elevator lifts, though used only intermittently, are not silent. Ventilation systems, with their pumps, heaters, and cooling units, are often run in institutional buildings 24 hours a day, emitting (at best) a low frequency hum and, at worst, a higher decibel roar. While the Applicant may promise to shut the system off after business hours, human nature would suggest that this may not always be the case—and such sounds are particularly noticeable in the small hours of the night and morning.
- 6) General Garage Noise: Fully enclosed parking garages make for remarkable echo chambers in which even a small sound can be greatly amplified. This concrete acoustic amplifier will be aimed directly at the homes across the street. It is unlikely that a security gate can be expected to contain such incidental noise, as most commercial-grade security gates are not solid (the better to reduce weight, the need for stronger motors, and to prevent the buildup of potentially hazardous fumes). Unfortunately, doors that allow air to pass through also often allow sounds to do so as well.

- H-6 Refer to comment B-79.
- H-7 The project will conform to all noise regulations.
- H-8 There is room for up to four cars to queue on the project site and room for 8 cars to queue inside the garage. It is not anticipated that idling cars would generate noise in excess of the existing ambient noise resulting from traffic in the area.
- H-9 Trash pick-up for the project would likely occur once per week as it does in residential neighborhoods. Any noise generated from trash pick up is not anticipated to last more than a few minutes and would therefore not exceed the allowed daytime hourly average (65 dB CNEL) for residential zones.

- H-10 Any mechanical ventilation equipment located on the project site would be well over 100 feet away from any residential unit. Although the noise level that is generated from this equipment is not specifically known, due to the distance between the residential units and the Hillel facility and the type of equipment it is unlikely that the noise would ever exceed the allowable level for nighttime hours (45 dB), per San Diego Municipal Code section 59.5.0401.
- H-11 Refer to comment B-79.

While it is impossible to fully predict the behavior of drivers—and it is very possible that outbound traffic may continue south along La Jolla Scenic Drive or travel through the Cliffridge neighborhood—the assertion that "Outbound traffic oriented to La Jolla Village Drive will make a southbound to northbound u-turn at the intersection of La Jolla Scenic Dr / Caminito Deseo" (Traffic Impact Analysis, Hillel Facility, page 23) suggests to us the possibility of a restriction in access to and from our neighborhood when the facility is heavily used.

This also suggests to us that the claim, "No such impairment would occur," made in response to the question "Would the proposal ... impair implementation of, or physically interfere with an adopted emergency response plan or emergency evacuation plan?" (Initial Study Checklist, Item VIII.D) is not entirely true.

In conclusion, we helieve that the proposed project brings with it several aspects that could have direct and unfavorable consequences to our Association and its members, primarily having to do with bulk and scale, glare, noise, parking, and traffic. It is our hope that all of these issues will be addressed before the project is permitted to move forward.

Thank you for the opportunity to allow us to comment on this draft environmental document.

Sincerely,

Board of Directors
La Jolla Village Estates

H-17 Refer to comment H-16.

#### Parking

Already our community sees more parking demands than any SFR-zoned neighborhood should. While classes are in session at UCSD, rows of cars parked bumper-to-bumper can extend as much as a mile south along La Jolla Scenic Drive. Our own neighborhood fights a continuous battle to keep our guest parking spots free of stullent parking.

The Applicant has stated that they expect approximately 200 or more visitors for weekly services on Friday evenings and possibly more for services on Holy Days and special events. For this, they plan to accommodate 68 vehicles in their garage with the aid of parking lifts (Initial Study, page 5), with overspill being directed to off-site parking at UCSD.

Such an arrangement leads to several concerns:

- | 1-12. | Parking Lifts: How will the operation of parking lifts in the garage be accomplished without causing delays in the parking process and preventing waiting cars from spilling to the street outside?
- 14-13.
  2) Off-Site Parking: If UCSD is already unable to provide adequate parking for its students, faculty, and staff, what makes it able to provide sufficient parking for even the expected weekly number of 67 spaces (Initial Study, page 6)? What mechanism will be used to maintain this agreement as UCSD's population expands and parking demands increase?
- 3) Traific Demand Management: How will direction of spillover vehicles to an off-site location be enforced during rush hour? Human nature suggests that upon finding the garage full, drivers will be more inclined to park on a nearby street rather than perform a U-turn at Caminito Deseo (see below) and negotiate heavy traffic on La Jolla Village Drive. Further, as UCSD's growth is expected to continue through 2020, annual monitoring of the parking situation should extend beyond the proposed three-year period.
- H-15
  4) On-Street Parking: The statement "...spillover [parking] could be accommodated along the roadways adjacent to the site" (Initial Study, page 6) fails to account for our private streets. Two of our guest parking lots, located nearly across the street from the facility and easily accessed via a staircase, would prove tempting destinations. How will parking enforcement at these locations be handled without burdening our Association with further cost?

### Traffic

H-16.

One particular aspect of the Applicant's traffic study is of particular concern to our Association. This is the assertion that traffic exiting the facility (or, presumably, arriving and then continuing on to the off-site parking site) will perform U-turns at the intersection of La Jolla Scenic Drive and Caminito Deseo.

In accordance with the La Jolla Shores Planned District Ordinance, which declares, "vehicular access from Gilman Drive shall be minimized" (15.10.3.9.D), the easterly entrance/exit of our neighborhood has an immanned electric gate. This makes Caminito Deseo the only im-gated entrance and egress from our neighborhood. It is the public entrance used by visitors, delivery trucks, and service vehicles. It is also the preferred emergency route in and out of our neighborhood in the event of a disaster or loss of electricity.

I-12 It is anticipated that all 28 lift spaces can be parked prior to needing to raise the lifts. The lifts could then be raised while the other 12 non-lift spaces are parked Additionally, there is room within the garage for queuing 8 additional same waiting to be parked. There is room for up to four ears to queue on the project site for garage entry.

It is anticipated that all 38.32 lift spaces can be parked prior to needing to raise the lifts. The lifts could then be raised while the other 13.36 spaces are parked. Additionally, there is room within the garage for queuing additional cars waiting to be parked.

- H-13 Refer to comment F-7. As identified in the parking mitigation within the MND, shared parking agreements must be in place in order for Hillel to continue with Shabbat services and occasional special events.
- H-14 The approved TDPM plan requires that staff be provided at both the Hillel facility and the off-site parking locations to monitor parking for Shabbat and occasional special events.
- H-15 The TDPM plan includes information which will advise visitors to the facility for Friday Shabbat services and occasional special events not to park in the neighborhood and that students who fail to comply with this policy will be asked to move their car or to leave the Hillel facility.
- H-16 A full analysis of the La Jolla Scenic Drive/ Caminto Deseo intersection was conducted accounting for the additional u-turn traffic generation by the project. Table 10-1 of the traffic study shows very good LOS B or better operations at this intersection with the addition of project and cumulative traffic. This indicates that this intersection can accommodate project traffic within its existing capacity. The analysis shows that there will be no "restriction in access" or "interference in emergency evacuation plans" due to project traffic to the neighborhood served by Caminito Deseo.

## COMMENT LETTER I

Ms. Alisola wood
Environmental Planner
City of San Diego Development Services Center
1222 First Ave. MS 501
San Diego, CA 92101
DSDEAS@sandiego.gov

31 August 2008

RE: Draft Mitigated Negative Declaration, Project No. 149437 (Hillel of San Diego)

Dear Ms. Sherwood.

I recently became aware that in the above document, the conclusion that archaeological mitigation is not needed for Site 653 appears based in substantial part upon the statement that:

\*Additionally, the report [by Brian F. Smith & Associates] Included a search of the Sacred Lands File as requested by the Native American Heritage Commission to identify any cultural resources within, or in close proximity to the project area. The search failed to indicate the presence of cultural resources within a one-mile radius of the project." (page 7)

I am not an archaeologist, but I have been a professional anthropologist for over 20 years, and in the course of that helped to excavate a 3 - 4,000 year old living floor and midden at the Martin Johnson House (T-29) at SIO, 0.67 miles from Site 653 (distances measured on Google Earth). Furthermore, I know there has been extensive recent controversy over Native American burials at the UCSD Chancellor's mansion (see "UCSD) drops bid to raze chancellor's house: Mansion sits on Indian burial ground, is on historic registry" at <a href="http://www.kumeynay.com/2008/03/ucsd-drops-bid-to-raze-chancellors-house/">http://www.kumeynay.com/2008/03/ucsd-drops-bid-to-raze-chancellors-house/</a> for some coverage); this is 0.74 miles from Site 653. The location included a rare double burial dated to almost 9,000 years ago; at the time of its discovery (and possibly still) this was the oldest such burial known in the Americas. Finally, in 1997 a burial dated to about 8,800 years ago was discovered in near UCSD's Coast Apartments (only about 450 yards from Site 653).

The above quote specifies listing in the Sacred Lands File and perhaps is factually correct based on that narrow definition of "cultural resources"; it is however completely false with respect to the larger question of whether there are important archaeological sites within one mile of Site 653.

I ask that it be ascertained whether there are other archaeological sites within 1 mile of Site 653, and that the counterfactual claims of the Draft MND be explained. Because there is conflict in evidence in the aforementioned report, the City of San Diego should prepare an Environmental Impact Report.

games Throne

James Moore, Ph. D.

Assoc. Prof., Anthropology, UCSD (affiliation for identification purposes only)

2060 Margaret Lane

Arcata, CA 95521

I-1 The Sacred Lands File search conducted by the Native American Heritage Commission did not identify any sites listed in the Sacred Lands file. The MND has been revised to reflect this change.

## COMMENT LETTER 1

2060 Margaret Lane,

Arcata,

CA 95521.

September 1st, 2008

Attention: Ms. Alison Sherwood

Environmental Planner

City of San Diego Development Services Center

1222 First Avenue, MS 501

San Diego CA 92101

DSDEAS@sandiego.gov

From:

Susan Moore, Ed.D.

suc@mind.ucsd.edu

Dear Ms. Sherwood:

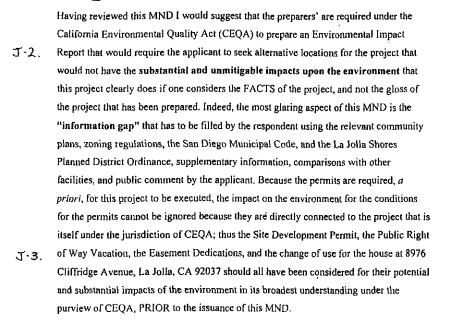
prepared for Project No. 149437. I am sending a copy by electronic mail to the above listed address, and a paper copy with the appendix will also be sent via Federal Express. A copy of this response will also be sent to the Civil Division of the Office of the City Attorney, San Diego. The latter action is due to the potential impact upon public access, public streets, and public accessibility by non-vehicular transportation should this MND be approved by the City of San Diego. It is also being sent because I cannot find any evidence in the public record that the City of San Diego has officially J-1. rescinded the permits for the prior project and I would like clarification that permits for a site can be approved a second time whilst the prior permits for the same applicant on the same site as suspended by a Judge but not rescinded by the approving agency, the San Diego City Council, are still in existence!

Please find attached my personal response to the Mitigated Negative Declaration (MND)

Associated attachments included with this comment letter are not included in the distribution of the Final MND due to the large volume of material. These attachments can be reviewed in the offices of Development Services Department.

j

J-1 At the public hearing for this project, included with the permits requested for approval by the applicant, the first item will be to rescind the previously approved permits on the site, provided the court litigation has not been resolved at that time.



| J-2 | Refer to comment B-1.  |  |  |  |  |  |  |
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| J-3 | All of the actions requested for approval of this project have been analyzed under the California Environmental Quality Act. |  |  |  |  |  |  |

## History of Site 653 in relation to CEQA

J-4.

As was entered into the record in 2004, and again in 2006 at the City Council hearing on Project 6098, Site 653 cannot be developed because it is pre-existing mitigation for a 1980s approval of a density increase in Tract H (as it was then called) of the Gilman Drive development. The City and applicants cannot have it all ways. A land use plan density increase was granted to a developer within a few hundred yards of Site 653, so Site 653 was called out for as mitigation. Site 653 was also called out for special treatment in the UCSD 1989 plan due to the pressure of traffic at that corner. The discussion around that decision relates to the dangers of such a prime pedestrian route at a chronically busy intersection. Public requests in the past have included the construction of a raised walkway from the cul-de-sac at La Jolla Scenic Drive North that would connect with the entrance to UCSD at the La Jolla Playhouse. The vacation of the cul-desac and the privatization of the public road would preclude future modifications at that intersection.

I-4 Refer to comment B-12.

"Phase I would consist of the continued operation of administrative offices in the existing single family residence located at 8976 Cliffridge Avenue."

The La Jolla Shores PDO does not permit such an operation as has been pointed out ad nauseum by the community and the La Jolla Community Planning Groups since it first opened. (Please review attachment: "House"). Such a change of use and new project requires the preparation of an environmental study to evaluate the facts of the impact upon the La Jolla Community Plan of a *de facto* rezoning of the existing underlying residential land use of this portion of La Jolla Shores. The requirement to construct the six parking spaces in the "backyard" of 8976 Cliffridge Avenue because the house is now considered a commercial facility, therefore must conform to the parking requirements for such (Cycle Review No. 12), is a significant change in the environment and a change of use [that was not publicly Noticed prior to the public hearings of: the La Jolla Permit Review Committee, the La Jolla Shores Association, the La Jolla Traffic and Transportation Committee, and the La Jolla Shores Planned District Advisory Board]. The MND and the supporting documents for public review do not present any factual information about the proposed impacts on the environment of the Commercial use of the house at 8976 Cliffridge Avenue, for example:

The traffic study does not adequately consider the impact upon the neighborhood of an administrative office that is in use (based on repeated observations) in excess of 60 hours per week, and that will be used in some rather unusual arrangement as a shared parking facility for the "final" project. The Average Daily Traffic (ADT) of the commercial use with six parking spaces adjacent to a family residence is not presented in its reality. It will be noisy (e.g., car doors, alarms, engines, people), and generate vehicular exhaust fumes, etc. Neither is there analysis of the overflow parking from the house caused by visitors, delivery trucks, restaurant and delivery trucks (frequently observed, for the kosher delivery of prepared foods that are then re-packaged at the house and delivered by car to students at the UCSD campus) at the house. Failure to consider the potential impacts of a project on the environment is fair justification for the preparation of an EIR on Phase One of the project. This office use should be located in the appropriate

3-5 8976 Cliffridge Avenue, as noted in the MND, is Phase I of the Hillel facility and is required by code to provide six parking spaces as it is used as administrative offices for the religious facility. Refer to comment A-6 and A-7.

i-6 Refer to comments A-6 and A-7.

commercial zone of La Jolla, or University City where the environmental impacts would not either be significant or need to be mitigated.

On reading the contents of the "House" attachment, the preparers of this MND will also notice that the City's decision-making with reference to the residential/commercial and illegal/legal use of the house as an administrative office for the past almost 5 years is faulty. Indeed, it would appear that arbitrary and capricious decision-making underlies the planners' final determinations, and that there is no new factual evidence to support the change to commercial (even though it is a commercial and therefore unpermitted use), thus an initial study as to the "actual impacts" of the change to commercial should be required prior to the analysis of the project. The land use comes first. It should be noted that the parking requirements for the house are woefully inadequate if the LJSPDO is applied (not that it can be because the house remains an unpermitted use!). The fundamental problem with this project is that it does not fit, so the decade long joint attempt by the City of San Diego and Hillet to "shoehorn" this massive institution onto a rare piece of open-space is flawed, filled with violations, deviations, illegalities and non-conforming uses.

J-7

J-8.

Indeed, in the aforementioned addendum to the La Jolla Community Plan the underlying zone for Cliffridge Avenue is Single Family. Therefore, an EIR should have been prepared to study the impacts consider of a spot zoning change that will alter the character of an entire residential area, and which would have potentially significant and substantial impacts on the environment – in their entirety. CEQA requires that lead agencies consider not just the direct physical impacts, or effects, of a project, but also what are called indirect or secondary effects:

"Indirect or secondary effects may include growth-inducing effects and other effects related to induced changes in the pattern of land use, population density, or growth rate, and related effects on air and water and other natural systems, including ecosystems (Section 15358)(a)(2))."

J-7 Comment noted. The land use designation is residential, not open space as indicated by the commenter.

J-8 The project is not proposing, nor does it require a rezone.

Clears, me change in use of the house potentially sets in motion a series of such defined indirect or secondary effects, limited not only to the aforementioned commercial zone of the single location of the house, but to the inevitable precedent setting impact of an institutional use (the student center) within the existing single family residential neighborhood. Contrary to the City and Hillel's erroneous assertions, there is no multi-family or similar structure in the area (La Shores Heights is NOT a multi family development as has been pointed out at numerous public meetings as well as in the official record). The City has not provided any factual evidence for public consideration that the commercial use of the house will not have any significant and, or mitigable or unmitigable impacts on the environment; neither has the City produced any public evidence as to the future impacts on the traffic, noise and commercial use of other houses in the area of the La Jolla Shores Planned District Ordinance when they convert. Neither has the City considered the loss of residential housing when such conversions occur, as indeed they will do, once the precedent setting development of both the house and Site 653 occur; thus the CEQA consideration is overriding because with the loss of the existing house and the loss of the 2-3 house potential on Site 653, the area has already "lost" 3-4 residences.

J-9.

(In 2000 the community took a room vote when a City official asked whether they would accept single-family residences on the site if the open-space designation was voided. Reluctantly, but in a spirit of compromise the community voted "yes" – but it was duped. This opinion was confirmed in a letter from the then President of the La Jolla Community Planning Association.

"A paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision..."

The CEQA considerations of the permits right of way and street vacations to allow the narrowing of the street for the private benefit of the Hillel Corporation, and the still

J-9 No indirect impacts are anticipated with the project, a religious student center, permitted in the LJSPDO SF zone. undefined vacation of the cul-de-sac at La Jolla Scenic Drive North (in front of 8976 Cliffridge Avenue) for the benefit of the Hillel Corporation, and private individuals (Mr. Robert Marshall and the Potiker Family Trust) have not been adequately considered either in the Initial Study or in the body of the MND. The impact on car drivers, bicyclists, skateboarders, pedestrians, patrons of the La Jolla Theatre District etc., at losing public access to the traffic light crossing from La Jolla Village Drive/Torrey Pines Road to the UCSD campus at the La Jolla Playhouse entrance, and across Torrey Pines Road from La Jolla Scenic Drive North to the canyon/Birch Aquarium pedestrian access/future Venter project, etc., is not considered. It is obvious that the gifting of public roadway, ADA access, a bike pathway, pedestrian access to UCSD by faculty, staff, students and residents alike, will have an impact on the environment because it removes the existing public right with all of the benefits and privileges therein, and subsumes the public below private interest. Deferred mitigation is not acceptable under CEOA, yet time and again the City, in this MND, ignores future potential impacts. Prior to issuing the MND the lead agency should have held scoping meetings to include the public in the decision-making about the alteration and privatization of a primary access route to UCSD that was established when La Jolla Highlands was developed, and has increasingly been utilized as UCSD has grown. This action should have been taken prior to, and independently of the project so that the two were separated, and in the correct sequence. (N.B: Neither the City nor Hillel have adequately disclosed current ownership interests in the house, nor have they disclosed the allocation of the easement (or sections of the easement) to Real Parties in Interest: (Hillel of San Diego, Mr. Robert Marshall, and the Potiker Family Trust).

J-10.

J-11.

"An indirect physical change is to be considered only if that change is a reasonably foreseeable impact which may be caused by the project."

It is quite reasonable to foresee that the connection with future commercial and institutional projects will cause cumulative substantial and unmitigable impacts on the environment, impacts that are not considered in the 2002 EIR addendum to the La Jolla Community Plan.

J-10 Public access for pedestrians and bicyclists, will be maintained with the street vacation action. The proposed access will provide safe, effective access for the public to those intersections identified by the commenter. There is no deferred mitigation associated with this project, nor is it allowed under CEOA.

J-11 Scoping meetings as required by CEQA section 21083.9 are for projects of statewide, regional or areawide significance. It was determined that this project did not meet the criteria. (The City should note that the house at 8976 Cliffridge Avenue is for the administrative offices of Hillel of San Diego, which is only indirectly affiliated with UCSD. As such, the broad scope of definition allocated to Project 149437 opens the doors to multiple uses within the "former" single-family residential neighborhood. As the mission of the organization, according to its UCSD web-site, no longer includes "religious" or "religion" it is unclear as to the grounds for the City allowing the project at either Site 653 or the house from continuing. The UCSB, and UCLA facilities, for example, are not only directly affiliated with their respective universities as Foundations, but are in appropriate zones.

J-12.

J-12 Refer to comment A-6 and A-7.

"The initial study must provide sufficient information and raw data to determine the basis of the findings of the study."

### **Environmental Analysis**

| 1 | Aesthe | ties/I | Veio | hbor | hood | Character |
|---|--------|--------|------|------|------|-----------|
|   |        |        |      |      |      |           |

A.

J-13

- B. The proposed project would tower over the intersection at La Jolla Village Drive and La Jolla Scenic Way, as well as the homes adjacent to La Jolla Scenic Way in the La Jolla Shores Heights development. There are no other such "towering" buildings in the entire residential area.
- 3-14 C. Bulk and scale are obviously incompatible with the homes adjacent to the project on La Jolla Scenic Way, La Jolla Scenic Drive North, and Cliffridge Avenue.
- D. Of course it is a substantial alteration to the character of the area. It is an 880+ person capacity student center with an additional (temporary or permanent) adjacent administrative complex and additional parking. It is incomprehensible that a City official can check "No" against this section.
- T-16

  E. No such loss will occur because in the fall of 2004 the City illegally bulldozed the remaining significant trees to facilitate the sidewalk on La Jolla Village Drive.

F.

- 3-17 G. What is the slope of the corner at La Jolla Village and La Jolla Scenic Way?
- J-18. H. This has not been analyzed. There is no data to suggest either that there will be substantial glare or light spillage, etc or not. Having lived and walked in this neighborhood for many years I have observed that the area is very subdued at night, and

- J-13 There are multi-story structures directly across the street (La Jolla Village Drive) from the project site. The proposed project is below the 30'-0" height limit allowed in the SF zone.
- J-14 Refer to comment J-13.
- J-15 The character of the "area" includes all surrounding directions, including multistory structures across the street on the UCSD campus.
- J-16 As previously mentioned, the trees were removed under the approved La Jolla Village Drive widening project.
- J-17 In order for a slope to qualify as a "steep slope" i.e. 25% or greater, it must measure 50 feet or more in distance, and be a "natural" slope. The slope identified by the commenter does not meet either criteria
- J-18 For information purposes, the City of San Diego CEQA significance thresholds address light and glare from the building itself. Potential lighting impacts may occur if the project would emit a substantial amount of ambient light into the nighttime sky. It does not address light from vehicles traveling to and from the project site. Refer to comment G-7.

the presence of dozens of cars, a shuttle, and the lights from the building until at least 10pm at night will inevitably have an impact on the residents in particular. A study of the impact of headlights at the garage driveway on the homes at La Jolla Shores Heights was requested in 2004, and again it has not been attempted. To not study this impact is a deferral of mitigation.

I.

Ш

J.A.

A - G There is no study provided to show what the air quality impacts from the project will be. In the absence of raw data, including the absence of a construction timetable and analysis of the particulate matter involved in excavating the site to at least 12, if not 14 feet (to accommodate the lifts) the fair argument standard should hold and an EIR be prepared. The absence of data does not qualify the lead agency to check "No" on every line!

1V

Biology

With the removal of the aforementioned trees and the determination not to study the remaining large eucalyptus tree there isn't a report to determine one way or the other.

V.

J-21.

- A. There hasn't been any clear presentation by the applicant to determine what the energy uses will be.
- B. Providing photovoltaic panels does not mean that the project will not result in the use of excessive amounts of power. Photovoltaic panels might reduce the use of excessive amounts of power, but without detailed presentations of the proposed energy use the public can't determine the impacts on the environment of the energy used. It would seem that an 880+ person capacity student center with lift parking, a security gate, library, heating, A/C, lighting, kitchen, offices, computers ... would use significantly more energy (regardless of a stated possible 30% use of photovoltaic panels) than 2-3 residential units [as the 2002 EIR

J-19 Refer to comment F-15.

J-20 Even though there is one remaining Eucalyptus tree on the site, the Biological resources report prepared for the project identified no sensitive habitat on site, nor did it identify any sensitive species on site.

J-21 Refer to Comment B-84.

Addendum analyzed for the site and its cumulative impact on La Jolla) or the open-space park that was proposed by the community in the RFP of 2000.

VIII

J-22.

J-24.

- A. The study does not analyze the impact of construction on health, even though there much discussion in the public health literature of construction impacts, especially on infants, children, and those with respiratory problems.
- B. There is no discussion of this potential hazard from construction materials, etc.

Х

- A. See extensive discussion on this issue elsewhere.
- J-23 B. As above.
  - C. There is a conflict, as discussed, with the prior use of Site 653 in the 1980s for the increase in density of Tract H on Gilman Drive, and there is a conflict with the 1989 UCSD LRDP as discussed.
  - D. This project physically divides UCSD student facilities from the UCSD campus.

ΧI

A. The study is inadequate because it does not consider evening noise. Car doors, alarms, conversation, voices from the patios, etc., will increase the ambient noise, especially at night. Those who live near UCSD know the impact of UCSD events, and especially of open-air activities at the theatre district. There is nothing to shield the residents from this proposed facility. Quiet, single family residential neighborhoods are very susceptible to any increase in ambient noise. (I appreciate that I am not an expert, but for more than three years we lived next door to the unpermitted religious use of a house and we could not open the windows at night due to the singing

J-22 Refer to comment F-15

J-23 There is no conflict as the project is in conformance with the adopted plans that are in effect today. Any previous plans are outdated and no longer applicable.

J-24 Refer to comment H-7.

and conversational voices of no more than 20 – 40 voices. Neither does the study include construction effects such as reversing warning beeps, the movement of heavy plant, etc. Again, the initial study is inadequate.

B. The evening noise and its relationship to the City's noise ordinance was not studied.

### XIII

A. Yes, as discussed extensively in other sections.

J-25,

B. Yes, the project has/will displace at least three or four residences.

### XIV

D. The City had the opportunity for a pocket park in 2000.

E. Yes. It is unclear who will be maintaining the cul-de-sac after it is vacated.

#### XVI

J-27.

J- 28.

 A. – D Increase in ADTs in itself (with all of the vehicular effects as individual and cumulative) is significant.

G. The removal of the Class II bike lane in conjunction with the narrowing of La Scenic Drive North will increase the traffic hazards in front of the residential homes. In addition, the traffic hazards due to the curb cut on La Jolla Scenic Way (an access restricted roadway) have not been objectively analyzed by the City of San Diego separately from the pressures of the project and the applicant's traffic study. (See attached documents.)

## XIX

C-D As discussed in another section the cumulative impacts are considerable, however, the City has not provided any data that would allow a respondent to evaluate the impact. However, it does not take a traffic engineer, or an air quality expert, or a City planner to recognize that when quiet, single family residential neighborhoods are subjected to commercial and/or intense institutional uses life must change, and in San Diego the area surrounding San Diego State University

J-25 It appears that the commenter is indicating that the proposed Hillel facility would induce a substantial population growth. The Hillel facility is for existing students of UCSD, which visit the site for a variety of religious events. There is no population growth associated with the project. The residence at 8976 Cliffridge (phase I of the project) is no longer used as a residence. This is not a significant displacement of housing.

J-26 The land use designation of the site is longer categorized at Open space/park. Hillel will be responsible for maintaining the street vacation and the public access way which will be provided.

J-27 The Traffic Impact Analysis provided for the project did not identify any significant traffic impacts associated with the project. Refer to comment E-1.

J-28 The Traffic impact analysis provides a cumulative traffic analysis for which no impacts were identified. No other cumulative impacts were identified with the proposed project. with all of its recent misadventures is a prime example. The impact on the residential neighborhood of nine years of pressure from this project has been divisive, sad, stressful, and financially draining. Not surprisingly the dozens of meetings and three lawsuits has driven away several of those closest to the project. But, that, unfortunately, is too controversial and subjective for this document.

## Underlying Land Use and the Mis-representation of the La Jolla Community Plan

As has been documented throughout this nine years long process, the City has failed in its responsibility to protect all aspects of the environmental impacts that the severance of Site 653 from the CEQA process will cause. Every single planning group in La Jolla, as well as the San Diego City Planning Commission have opposed this project commencing with the action to remove the site from the open-space plan, to the Request for Proposals Process (2000), the removal of Site 653 from the hearing on the La Jolla Community Plan and the certification of the EIR addendum (May 2002), to the final project vote in May 2006. In November 2000 the project and the land were conflated to force through the lease agreement, whereas the environmental impacts to the land should have been considered prior to any consideration of a project. The City had the opportunity to correct its errors (all pointed out by the public) in May 2002. In fact, the presiding Deputy City Attorney at the May 21<sup>st</sup>, 2002 hearing at which Site 653 was bifurcated from the La Jolla Community Plan, prefaced the hearing with:

"The land use designation before you is what you are considering and it would be inappropriate to determine the land use based on whether you agree or disagree with the project that is currently being proposed for that site. But whether it is the appropriate land designation under the community plan."

Council member Peters responded:

"Not really talking about the issues. I think everyone knows what's going on here and I think we should acknowledge it."

Deputy City Attorney:

"Should discuss land use."

As Council member Frye commented at the May 21st, 2002 hearing:

"Probably the most problematic statement I keep hearing about this particular piece of property and the La Jolla Community Plan in general is that the Community Plan should be amended to comply with the underlying zoning. NO IT SHOULD NOT and this has been a very, very large bone of contention and is one of the reasons why we have had problems with the Community Plan not just at this site... There is something called a Community Plan and that explains to people what they want in their community. The zoning is what implements the community plan...

The other thing I am concerned about is that we look at any part of open-space in our community as a way to make a buck and the thing is as when we look at it that way and we don't notify the community as to what is going on, make these deals with no public notice..."

By the end of the hearing Site 653 and, by resolution, at least 17,000 square feet of public land had been politically granted to Hillel of San Diego, a corporation WITHOUT the City of San Diego considering any environmental impacts, or making any pretence to follow its own environmental review process.

So mistaken was the City in its decision-making from January 1999 – May 2002 that former deputy city attorney Frank Devaney testified in a letter to the Superior Court (it arrived too late for inclusion in the petitioner's brief):

"I spoke with D. Wayne Brechtel, who represented that Petitioner, on several occasions. During the course of these conversations, I made clear to Mr. Brechtel that the City agreed with his client's position that City staff erred when advising the City Manager that Site 653 was designated as single-family residential property. Based upon such advice the City Council acted on November 20<sup>th</sup>, 2000. Mr. Brechtel and I agreed that on such date, Site 653 was designated as open space. Based upon our agreement, I believed it would

have been in the City's best interest to stipulate to such a factual issue and I would have been willing to stipulate to such a fact."

This stipulation corresponds with Lucille Goodman's email correspondence retrieved through a public records' request:

From Lucille Goodman on May 4th, 2000:

"Council directed that at the time the Community plan draft goes to their that someone remind Council to change the proposed use of open space to allow for whoever gets the right develop." (Emphasis added.)

At no time during this process have the impacts on the environment from "altering" the use from open-space (upper or lower case "d" argument not withstanding" been subject to proper analysis. It is nonsense to claim that this project will not have substantial impacts on the environment when the land use plan open-space change is from "0" ADTs through 2002, to the May, 2002 EIR Addendum which calls out for a 1-5 du acre analysis of Site 653 with an impact of approximately 12-17 ADTs, to Project No. 149437 which will be in operation from 7am to 10pm five days a week, with additional special weekend events, in a building with a capacity of up to 880 people.

0 ADTs, to 12-17 ADTs, to 880 persons capacity for 15 hours per day, five and a half days per week (at a minimum), presents a "likelihood" that significant effects will occur, therefore a fair argument can be made that the impacts will be substantial and cannot be mitigated. The City should admit to the above and be guided by the following: "If there is disagreement among expert opinion supported by facts over the significance of an effect on the environment, the Lead Agency shall treat the effect as significant and shall prepare an EIR."

In spite of all of these comments by the City's own presiding attorney that day, of Mr.

Devaney's testimony, Ms. Goodman's email, and the decision of Judge Quinn in the

Superior Court in 2007, the City of San Diego and the applicant Hillel of San Diego and

T-29 the real parties in interest continue to champion this project; thus the burden of evaluating the environmental impacts then falls to the public.

J-29 Comment noted. The Development Services Department analyzed the proposed project in accordance with CEQA.

### Cumulative impacts

The cumulative environmental impacts of the ADTs generated by the already approved UCSD 2020 plan, the Venter project at the corner of Torrey Pines Road and La Jolla Village Drive, the SALK expansion, the buildout of the La Jolla Playhouse complex, the failed TDMP at Adat Yeshurun, and the amendments to the UCSD long range plan since 2004 (which includes additional UCSD dormitories close within a half a mile of the project site) have not been analyzed in conjunction with this project. In fact, the raw data for the public to consider have not been included in the reports for the MND. The cumulative impacts on the environment have to be taken into consideration and they have not been. It is a common fallacy to assume that once an intersection reaches LOS F that what does it matter if a few more cars are added but it does matter; even if the preparers of this MND do not believe it does, however:

(h)(1) When assessing whether a cumulative effect requires an EIR, the lead agency shall consider whether the cumulative impact is significant and whether the effects of the project are cumulatively considerable. An EIR must be prepared if the cumulative impact may be significant and the project's incremental effect, though individually limited, is cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

The cumulative impacts extend to noise, light, pollution from daily activities as well as from particulate matter released due to construction activities, the impact of bulk and scale on the aesthetics of the neighborhood, and those intangible, yet critically important indirect effects of multiple projects that are analyzed for their individual effects, yet not for their cumulative effects.

J-30 As discussed in the Traffic section of the Initial Study, traffic analysis of Long-term (year 2030) indicated no intersection which was analyzed in the traffic study would operate above LOS "E". No long term traffic impacts were identified.

J-31 Refer to comment J-28 and J-29.

J-31.

J-30.

Contradictions in the City of San Diego's own decision-making for public safety.

It is clear from the record that the City of San Diego and community planners never considered that this site should be developed; yet the City is now claiming that those previously predicted impacts on traffic and safety do not present any problems. In spite of several attempts to determine the decision-making that led to the removal of the "no curb cuts" designation of La Jolla Scenic Way, the community still has no rationale from the City to explain the change in its position in favor of this applicant, having in the past denied other applicants the same benefit.

J-32.

J-32 Refer to comment H-7.

# J-33. Invalid comparison base for the traffic study and projected use of the facility.

The extensive attachments are from the planning departments governing the Hillel Foundation at UCLA and the Hillel Foundation at UCSB. The community has submitted the same documents, and additional comparison tables, photographs, web-site links, etc., in prior hearings before the community planning boards, the Planning Commission and the City Council. The zoning, the intensity of use, the CUPs, the restrictions, the parking arrangements, the occupant load, the hours of use, the prior use of the buildings, and so on are not comparable to this project and for that reason should not have been used as the basis for the projected use of the Hillel of San Diego facility. It is deeply disappointing that after so many efforts by the community, the acceptance of the lack of validity of the City's approved traffic study in the past, that the same underlying facilities are utilized. Hillel of San Diego is not a UCSD student group; it is Hillel of San Diego, affiliated through the UJF. UCSD has its own shared student religious facilities, it has the UCPG to support student facilities in the area adjacent to the Mesa student housing at Regents Road. These are UCSD's students, and it is up to UCSD and the local religious organizations of all denominations to work together to find long-term solutions. Submitted via email to Ms. Alison Sherwood on September 1st, 2008. Hard copy sent via Federal Express on Tuesday, September 2nd, 2008 in order to meet the Wednesday, September 3rd, 2008deadline.

Draft MND received on Monday, August 18th at 4pm.

On Maria 9/0/08

J-33 comment noted,

## COMMENT LETTER K

From:

Gabriel Rebeiz (rebeiz@ece.ucsd.edu)

Sent:

Wednesday, September 03, 2008 7:57 AM

To:

D\$D EAS

Cc:

kimpotmail@yahoo.com

Subject:

Hillel La Jolla, Project No: 149437 SCH No. N/A

Attachments: Draft Negative Mitigated Declaration Project Number 149437.doc

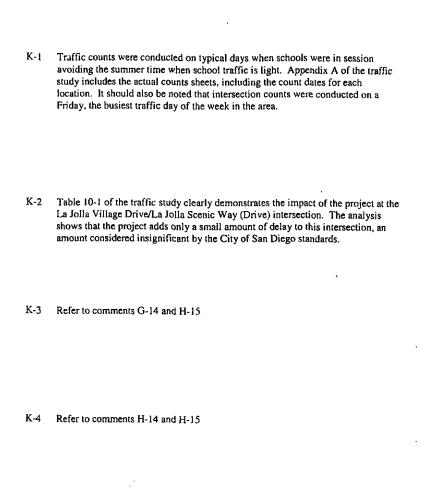
### Dear Ms. Sherwood;

Please confirm the receipt of this email. Thank you.

It is with concern that we read the Draft Mitigated Negative Declaration, JO-43-0276, dated August 14, 2008, and issued by the Development Services Department, San Diego. We feel that there are several issues which have not been properly addressed and which will greatly affect the quality of life in our neighborhood. The detailed list is included below:

- 1) Transportation/Parking Report: We are confident that the transportation study was done on days when UCSD had a light day. The April 2008 is finals week and many students do not come to the University (they take their finals early). We have seen the traffic people do the study and remarked that this is a light day by UCSD standards. The traffic report does not detail the exact date of the study, and only states February and April 2008, and it should be clear when this was done. We are confident that you will find it to be a very light traffic day and this in effect, may invalidate the traffic report.
- Traffic from La Jolla Village Dr: The La Jolla Village Dr / La Jolla Scenic Dr intersection is one of the top five busiest intersections in San Diego. It already requires two left-hand only turn lanes. At peak traffic hours, it may take 20-30 minutes to get through this signal. With the added 68 space garage, the 200-800+ seating, it is expected that this intersection will be un-manageable by traffic standards. The transportation study does not indicate the impact to this intersection and it is unclear what is the proposed solution to this immediate problem on traffic.
- Parking Spaces I: The report also details the removal of 12 to 15 street parking places, and there is no place at all where these parking places can be recovered. The report is mistaken by stating that it is "reasonable to assume that a relatively small number of vehicles will park on nearby streets...". There is no full day parking on nearby streets and all the neighborhood parking is a 2 hour limit.
- Parking Spaces II: The report also details the large contingency plans for additional parking for the > 200 people facility. It does not mention that most of the attendees for the special events will actually park in the neighborhood, thereby greatly increasing the traffic, the accident probability and endangering our children who play sometimes outside on the weekend. Also, getting in and out of our garages will be much harder and with increased collision risk.

Construction Traffic ~ III: Please see comments below on construction traffic and other related issues.



Page 2 of 3

- 2) Noise: The report details a noise study and the effect of this large structure. The main issues, not issued in the report, are 1) the three outside patios and the students/people meeting, dancing, chanting and talking at night on these patios. There is no curfew requirement and these noise effects can easily last till midnight. Also, it is not clear if music will be played outside at night. As you well know, sound propagates better at night, and with the traffic being much less, one will be able to hear this music and the outdoor patio activities for a long distance. 2) The report does not take into account the noise from an 800+ hall during the special events, and how it is going to be mitigated, and 2) The report also does not include the noise from the mechanical units (A/C units, kitchen blowers, etc.) on top of the roof, which can be very high at night. These must be included in the report. We have children in the neighborhood (and we live across the street) and this is very disruptive to their sleep and to their quality of life. Also, the quality of life in a single family neighborhood.
- 3) Odor Control: There is no discussion on the kitchen odor controls in any report. Having a kitchen which can serve 800+ people means that this is a very large kitchen and will generate a lot of odors. It is important that this be included in the report since it will negatively impact the quality of life in the neighborhood.
  - 4) Construction/Excavation: This is a grossly incomplete document since it does not address the environment impact of long term construction (1-2 years). There is a huge lack of information in this document related to the construction plans. Some non-addressed issues are:

-This structure is huge and requires the removal of several thousand truckloads (8000 cubic yards). There is no discussion on how the truck traffic will be mitigated and the huge increase in truck traffic and its safety effect on the neighborhood. There is no discussion on the diesel fumes which will be generated by these trucks and construction equipment for months on end.

which will be generated by these trucks and construction equipment for months on end.

-No discussion on how dust is going to be controlled with this excavation and ground removal.

This dust could be toxic as it has been next to a major roadway since 20+ years, and as you know, it may contain traces of lead, heavy metals, etc. and our children (and we) are going to be breathing it while they are excavating. How will the dust be damped and will they spray water every night? Also no soil toxicity report has been completed or mentioned in this report.

-There is not even any discussion on the period of the construction (1 year, 18 months, 2 rs)??

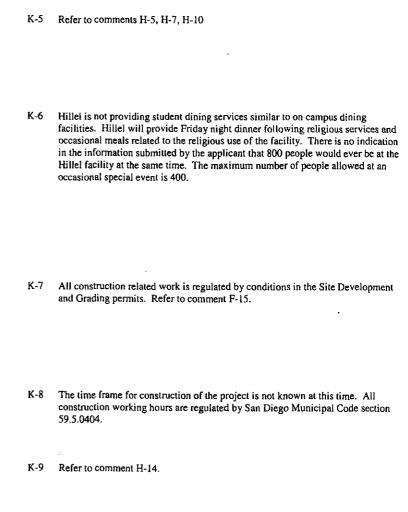
 There is no discussion on work hours, weekend work, etc. except that when this is done, it will be requested (and approved) by the city. These additional work hours must be strictly limited since we have small children who play outside every day.

- There is no discussion on the degradation of the air quality when this construction is happening, and which could be for 1-2 years.

K-8.

We are confident that there are California laws and studies which have to be strictly followed before this is approved and we do not see anything attached to this report.

- 5) Another safety issue is the narrowing of La Jolla Scenic Dr. N, to the south of the site, by several feet. With the Increased parking on both sides of this street every evening/night, weekend hours and during special events, and with the increased traffic, this will greatly increase the accident probability and will probably not allow us to even enter and exit our garages.
  - 6) Finally, the scale of this project is in total conflict with a single-family neighborhood. This is a 12,000 sq ft. hall, with a 17,000 sq. ft garage with 68 parking spaces, capable of hosting 800+



people, next to houses which are 2000 sq. ft with 4 occupants and two-car garages. The houses K-ID. feed 4-6 people every night, while this facility feeds 200+ people every night and a much large number on weekends. Such a project should not be permitted in a single-family neighborhood.

Sincerely

Gabriel and Kimberly Rebeiz 8976 La Jolla Scenic Dr N. La Jolla, CA 92037

Gabriel M Rebeiz Professor ECE Department University of California, San Diego

Mobile: 858-336-3186 Office: 858-534-8001 rebeiz@ece.ucsd.edu K-10 Hillel is not providing student dining services similar to on campus dining facilities. Hillel will provide Friday night dinner following religious services and occasional meals related to the religious use of the facility.



# San Diego County Archaeological Society, Inc.

### **Environmental Review Committee**

21 August 2008

To:

Ms. Allison Sherwood

Development Services Department

City of San Diego

1222 First Avenue, Mail Station 501 San Diego, California 92101

Subject:

L-1.

**Draft Mitigated Negative Declaration** 

Hillel of San Diego Project No. 149437

Dear Ms. Sherwood:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study, and the updated cultural resources study for the project, the conclusions related in our letter of 4 September 2004 have not changed. We agree with the impact analysis and that no mitigation measures for historical resources are necessary.

We appreciate being provided this project's environmental documents for our review and comment.

Sincerely.

**Environmental Review Committee** 

Brian F. Smith & Associates

SDCAS President

File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Comment noted.

#### COMMENT LETTER M

From: Deborah Shaul [dshaul@licds.org]

Sent: Wednesday, September 03, 2008 5:18 PM

To: DSD EAS

To: Allison Sherwood Re: Project # 149437

I recently moved onto the northern end of Cliffridge Avenue in La Jolla, and I am aware of the sensitivity surrounding Hillel's proposed building project for site #653. For years, I have supported Hillel--both in San Diego and in other areas of the country. But I am completely opposed to the building San Diego Hillel is trying to push onto my neighborhood, and I am indignant that the city of San Diego even opened up this opportunity for a mixed-use center in a single family home environment.

In 2004, a judge saw fit to rule against Hillel's plans. Yet here we are again, for 1% of Hillel's original plan has now changed, and Hillel hopes to push this issue through before the new face of the San Diego City Council takes office in November. With the addition of solar panels and a few parking spots, Hillel hopes to whitewash the still-existing problems. It is these problems and the accompanying breach of law (and the spirit of the law) that must be addressed here in the MND and in the City Council's deliberations.

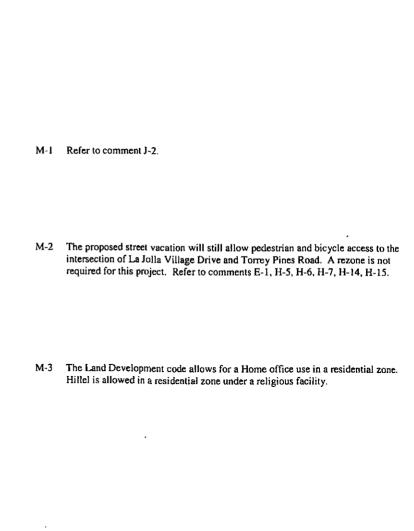
M 1. An MND is no substitute for an EIR. Why doesn't Hillel have to comply with the rules by which the rest of us live our lives in this city? How can the city ignore the missing Environmental Impact Report?

The additional request for more property along La Jolla Scenic North Way interferes with existing traffic patterns; coupled with the proposed, lift-operated garage opening onto La Jolla Scenic North which requires a change in existing zoning ordinances for cut curbs, we will see traffic snarls, accidents, and fatalities in this already congested area. This doesn't even include the pedestrians increase in the region. And where will the hundreds of students park until late at night? In front of my house! Leaving behind their trash, bringing with them the noise of joyous celebration, of course, but inevitably waking my children in the process. How can the city ignore local safety needs? The potential for noise violations? The arbitrary changes in zoning ordinances? As a homeowner and a taxpayer, I have a right to acceptable answers to these important questions.

This ineighborhood is not a mixed-use area, but the creation of a student center changes the land use for the neighborhood. I cannot open a shop in my own home, but the Hillel-use house across the street continues to operate against San Diego municipal laws. And no one does anything.

The noise and traffic that would accompany an 800-person student center, coupled with the improbabilities of parking logistics in this particular region, leave a particularly sour taste in my mouth. Please listen to all five local governing groups as they continue to implore the City Council to see how this plan is both unsafe and unfair.

For most of my adult life I have been supportive of Hillel's goals and missions--both emotionally and fiscally. And now I am disappointed in their efforts (and the City's, if the City allows them to move forward) to take advantage of a neighborhood, to pit neighbors against each other in their quest for a La Jolla P.O., even as they purport to service all of San Diego's Jewish student community. Over the past several years, quite a number of properties in mixed- use areas have been available for purchase, yet



Hillel persists which this small, inappropriate, dangerous spot for their plans. I am disappointed in you, Hillel, and I will be saddened if the City Council caves to political pressure instead of listening to the community members who will have to endure the higher traffic risks, the noise, and the loss of home value. How on earth can an organization so dedicated to making students' lives better not think twice about angering hundreds of families in the center's proposed neighborhood?

Thank you for the time you've given to considering my plea, Deborah Shaul 858 442-2860 M-4 Comment noted.

### COMMENT LETTER N

Ross M. Starr, Ph.D. Federal Reserve Bank of San Francisco University of California, San Diego<sup>1</sup> Istarr@ucsd.edu 858-775-8470

Mailing address: 8675 Cliffridge Ave.

La Jolla, CA 92037

August 26, 2008

To: <u>DSDEAS@sandiego.gov</u> Subject: Project no. 149437

Comments on Draft Mitigated Negative Declaration JO: 43-0276, Applicant: Hillel of San Diego

Ms. Allison Sherwood Environmental Planner City of San Diego Development Services Center 1222 First Ave. MS 501 San Diego, CA 92101

Dear Ms. Sherwood:

With regard to the Draft Mitigated Negative Declaration on Project no. 149437, (Applicant: Hillel of San Diego), I suggest that you review and revise your recommendation from MITIGATED NEGATIVE DECLARATION to ENVIRONMENTAL IMPACT REPORT required.

I have reviewed the plans for the project, the MND, the Linscott Law and Greenspan traffic study, UCSD's Milton Phegley correspondence on MND No. 6098, and correspondence to me from UCSD's Vice-Chancellor Relyea. My comments are based on these documents.

That an MND is insufficient and an EIR is required follows from these considerations:

N-1.

The City previously prepared MND No. 6098, regarding this project. That
MND has been rejected as unlawfully inadequate by the San Diego Superior
Court. The present one is similar and would surely also be found unlawful
should it be reviewed by the court.

N-1 While the previous MND was rejected in court, the analysis conducted for the proposed project includes revised/updated technical reports which have been summarized in the MND. There are no significant unmitigated impacts associated with the project, therefore an EIR is not required.

Affiliations for identification only. This document presents the views of the author only and does not represent the positions of the Federal Reserve Bank of San Francisco or the University of California, San Diego.

- N-a.
   Ine project includes rezoning the single family residence at 8976 Cliffridge Ave. from single-family to commercial. That change in zoning has a significant impact on traffic, development, and environmental quality of the neighborhood. The operation of administrative offices at that address is in violation of zoning, and has continued in violation for over four years. It cannot continue without an EIR. Further, the project plan requires upgrade of the residence to fulfill commercial zoning requirements and the project plan includes no provision for returning 8976 Cliffridge Ave. to fulfilling only residential requirements --- the commercial parking provisions are permanent.
- N-3. The <u>Parking</u> section of the draft MND includes fourteen (14) ongoing requirements of the project as responsibilities of the applicant. Some of these continue for several years. Some continue indefinitely. As mitigations of the MND, they are not enforceable once the construction of the project is complete. In order for them to be enforceable they need to be included in a CONDITIONAL USE PERMIT, but a CUP is not part of the planned mitigations.
  - In the Parking section of the draft MND, point 1: Planned on-site parking of 68 spaces, including lift-augmented spaces is inadequate. Applicant's plans say that capacity of the project is 200. That is inaccurate. The project's planned public assembly capacity is 800. That area is comprised of contiguous entry and lounge area (2239 sq. ft.), three contiguous, open-plan multi-purpose rooms (1319 sq. ft., 1159 sq. ft., 1063 sq. ft.), contiguous library (400 sq. ft.), and contiguous computer room (419 sq. ft.). Total contiguous public access areas of the building total then 6599 sq. ft. with a corresponding capacity for public assembly of 800. A structure of this capacity would ordinarily require over 200 on-site parking spaces. The MND allocation of 68 spaces is woefully inadequate. Further the use of lift-augmented spaces means that the parking structure will not be used by many of those attending --- any car destined to be hoisted on a lift becomes inaccessible to the user. Since 27 of the designated spaces are on the upper level of the vehicle lifts, they are unattractive to users. Those attendees will prefer to park on the street nearby, creating precisely the traffic, parking, safety, and gridlock problems that on-site parking is intended to prevent.
  - 5. In the <u>Parking</u> section of the draft MND, point 2: Off-site parking is planned at a distance of one-half mile from the site. This provision is essentially meaningless as a practical matter, and only puts in relief the complete inadequacy of the parking arrangements in the project. No participant in events at the student center will use remote parking when there is available on-street parking in the immediate neighborhood of the student center. The result, in weekly events at the center, will be precisely the traffic, parking, safety, and gridlock problems that adequate parking is intended to prevent.
  - 6. In the <u>Parking</u> section of the draft MND, point 3: Additional off-site parking is to be arranged for "special events." These "events" are not infrequent. Applicant says to expect nine each academic year after the first year of operation. Hence, approximately monthly September through May. No participant in "special events" at the student center will use remote parking when there is available onstreet parking in the immediate neighborhood of the student center. The result, in

All mitigation outlined in Section V of the MND becomes conditions of the Site Development and/or Grading permit. No CUP is required. There is no indication in the information submitted by the applicant that 800 people would ever be at the Hillel facility at the same time. The TDPM plan includes specific measures that Hillel must adhere to for off-site parking arrangements and not allowing parking for visitors on neighboring streets. Refer to comments N-4 and H-14.

Refer to comments A-6 and A-7.

N-4.

N-5.

- monthly events at the center, will be precisely the traffic, parking, safety, and gridlock problems that adequate parking is intended to prevent.
- 7. In the <u>Parking</u> section of the draft MND, points 2, 3, 4. The anticipated shared parking arrangement is with the UCSD campus. That agreement is unsatisfactory for development planning purposes. Here's how UCSD interprets it: "No commitments or agreements are made on a long-term basis. In this same context, the campus would not enter into any agreement that provided for the use of any campus parking spaces for required parking for an off-campus use (any so-called off-site agreement or shared-use agreement)." ----- Milton J. Phegley, Campus Community Planner, correspondence to Laura Black, City of San Diego, October 1, 2004, commenting on the Project 6098 Draft MND.
- "The limited parking that may be available from UCSD does not meet City requirements for shared use parking for the proposed facility.

  "UCSD can cancel the agreement at any time."---- Vice-Chancellor Steven W. Relyea, Correspondence to Ross M. Starr, September 22, 2005.

  Since UCSD has repeatedly gone on record that the parking available at UCSD does not fulfill city requirements, and the applicant is predicating the application on available UCSD parking, this disagreement needs resolution. An MND is not capable of providing that clarification.
- 8. In the <u>Parking</u> section of the draft MND, points 6 and 7: Absent shared parking agreement, attendance is to be limited. There is no mechanism for enforcing this provision. In the event, it is likely to be waived, since applicant can claim an unfair hardship.
- 9. In the <u>Parking</u> section of the draft MND, point 14: Requirement of a Transportation Demand Management Plan. The plan is not reviewable or enforceable by an effective external authority.

N-9

3

- 10. In the <u>Initial Study</u> portion of the MND, "I. PURPOSE AND MAIN FEATURES" section: Notice is taken of the continuing use of the single family residence at 8976 Cliffridge Ave. as an administrative office. Please note that this use is illegal. It has thus been used illegally for at least four years. Allowing this illegal use to continue sets a precedent that is environmentally disruptive for the adjacent neighborhood.
- N-10.

  11. In the <u>Initial Study</u> portion of the MND, "I. PURPOSE AND MAIN FEATURES" section: Notice is taken of a previous MND No. 6098. Please note that that MND has been rejected as unlawfully inadequate by the San Diego Superior Court. The present one would surely also be found unlawful should it be reviewed by the court.
- 12. In the <u>Initial Study</u> portion of the MND, "1. PURPOSE AND MAIN FEATURES" section. The following statement is inaccurate: "Proposed grading would consist of 8000 cubic yards of cut ... with a maximum depth of cut of 10 feet. Approximately 7600 cubic yards of material will be exported offsite." The correct figure is at least 9000 cubic yards of cut, a maximum depth of over 14 feet and approximately 9000 cubic yards to be exported off site. The Initial Study figures appear to be out of date, referring to an earlier version of the plan.

N-7 The TDPM plan is included as conditions of the permit and any violation of that plan would result in Code Enforcement action.

N-8 The traffic consultant, Linscott, Law and Greenspan has reviewed the TDPM, which was revised per agreed upon conditions at the City Council hearing in 2006, and approved by staff.

N-9 Refer to comments A-6 and A-7.

N-6 Refer to comment F-7

N-10 Refer to comment N-1.

N-11 Refer to comment B-14.

- 13. In the <u>Initial Study</u> portion of the MND, "Transportation/Parking" section refers to the <u>Linscottt Law and Greenspan traffic study</u>. Please note the following deficiencies of that study:
- N-12.

  A. Clerical error. Page 7 of the "Analysis" refers to "Cliffridge Road [sic]."
  There is no such street name in the area. This is presumably a misnomer for "Cliffridge Avenue."
- N-13.

  B. The Linscottt et al "Analysis" assumes Maximum weekly attendance = 200.
  This assumption is supported only by applicant statement. The study provides no independent verification. Note that capacity of the facility is approximately 800 in attendance, and that the size of the UCSD campus (the target population of the facility) is projected to grow.
- N-14

  C. The Linscottt et al "Analysis" assumes Maximum "special event" attendance =400. This assumption is supported only by applicant statement. The study provides no independent verification. Note that capacity of the facility is approximately 800 in attendance, and that the size of the UCSD campus (the target population of the facility) is projected to grow.
- N-15.
  D. The Linscott et al "Analysis" assumes parking garage capacity = 68. The study provides no independent verification. Stated parking garage capacity is based on gross parking space count including mechanical auto lifts. No evaluation is presented in the "Analysis" to document the accessibility of spaces in the garage design, convenience of the lifts, or reliability/durability of the lifts.
- N-16.

  E. The Linscott et al "Analysis" assumes parking garage will be fully used to capacity by attendees instead of using on-street parking. Since the use of auto lifts and the cramped design of the garage are both awkward and time-consuming, some attendees will find on-street parking more convenient than use of the garage. Rather than assume that the garage will be used, the "Analysis" should evaluate the proportion of parking that will go on-street.
- N -17.

  F. The Linscott et al "Analysis" assumes that overflow parking will go to UCSD campus lots by arrangement, not to on-street parking. Since on-street parking is more convenient than remote parking, the "Analysis" should evaluate what proportion of overflow parking will go on-street rather than assume that it will go to remote lots.
- N-18. G. The Linscott et al "Analysis" assumes that overflow parking needs will be limited to 'special events' projected at nine occasions annually. Note that capacity of the facility is approximately 800 in attendance, and that the size of the UCSD campus (the target population of the facility) is projected to grow.
- H. The Linscott et al "Analysis" concludes that garage exit traffic pattern will primarily be through U-turns at Caminito Deseo. It assumes (without proof) that there will be no (illegal) U-turns of exiting traffic at LJScenic Way/LaJolla Scenic Dr. It assumes without proof that there will be negligible exit traffic on the 8900 block of La Jolla Scenic Dr. through the 120° turn onto Cliffridge Ave. through the residential area leading to the traffic signal at Torrey Pines Rd. and Glenbrook Way. Since these alternative all appear to be more direct and convenient than the U-turn at Caminito Deseo, the "Analysis" should present the reasoning on which the judgment is based.

N-12 Comment noted, it should have said "Avenue".

- N-13 The project's conditions of approval limit attendance of special events to no more than 400 people per event and limits special events to 6 during the first year and up to 9 after the first year. A special event is defined as an event with between 201 and 400 people.
- N-14 Refer to comment F-4.
- N-15 Refer to comment H-12.
- N-16 Refer to comments F-10 and H-12
- N-17 The parking garage has adequate capacity to accommodate the demand except during special events. These events will be limited through a condition of approval to 6 such events during the first year and a maximum of 9 after the first year. Therefore, adequate on-site analysis of neighborhood parking is not warranted since the events where on-site parking will be exceeded are rare. Drivers will be heavily encouraged to use UCSD campus lots for special events.
- N-18 A condition of approval of the project is to limit attendance to no more than 400 people per event. Refer to comment N-17.
- N-19 The analysis assumes drivers will obey traffic laws and will utilize the most direct (and quickest) route to La Jolla Village Drive/Torrey Pines Road. This route will be a southbound and northbound u-turn at the Caminito Deseo intersection after exiting the parking structure.

- I. The Linscott et al "Analysis" concludes that garage entry traffic backup onto La Jolla Village Dr. will not significantly impede traffic there. The garage entry drive is approximately five car lengths south of La Jolla Village Dr. Eastbound traffic on the right lane of La Jolla Village Dr. includes traffic aimed at the Gilman Dr. exit ramp. At peak times, considering the delay in entering the garage (due to security checks and slow operation of auto lifts) any queue of more than five cars waiting to enter the garage will generate a backup on La Jolla Village Dr. The flow of traffic weaving to avoid the backup and turn into the Gilman ramp needs evaluation in the "Analysis."
- J. The Linscott et al "Analysis" assumes that appropriate measure of traffic impact is average delay, not peak delay. Peak uses are at "special events" of over 200 persons, projected at nine events annually after the first years of operation. "Special event" congestion is not analyzed based apparently on the notion that overflow parking on campus will be used and that rare events do not merit traffic analysis. In the event, assumed away in the "Analysis," that overflow parking is on-street, the impact will be frequent (monthly during the academic year) and intense. Capacity of the facility is approximately 800 in attendance, and the size of the UCSD campus (the target population of the facility) is projected to grow.
- N-22. K. The Linscott et al "Analysis" does not analyze the effect of loss of on-street parking on LaJolla Scenic Way and the 8900 block of LaJolla Scenic Dr.
- N-33.

  L. The Linscott et al "Analysis" ignores the interaction of traffic and parking with adjacent on-campus events: notably La Jolfa Playhouse and Mandel Weiss Theatre. Mandel Weiss Forum.
- N-84.

  M. The Linscott et al "Analysis" ignores traffic flow from expansion of UCSD facilities, Ventner research center and child care facilities, on SW comer of Torrey Pines Rd. at North Torrey Pines Rd.
- N. The Linscott et al "Analysis" ignores the issue of on-street passenger drop-off location. No drop-off site other than the garage is specified in the plan. The "Analysis" ignores the issue of whether drop-off traffic will create congestion or traffic through the residential neighborhood on the 8900 block of La Jolla Scenic Dr. and Cliffridge Ave.
- N-26 14. Section III.I.C. of the Initial Study is incorrect. The bulk and scale of the project is incompatible with the surrounding neighborhood.
- 15. Section III.III.E of the Initial Study is incorrect. The project will exceed 100 pounds per day of Particulate Matter (10). During construction, 9000 cubic yards (1000 tons) of soil will be removed from the site. This will result in approximately 2000 pounds total of dust dispersed in the neighborhood.
- N-28
  16. Section III.X.A of the Initial Study is incorrect. The project is inconsistent with the Community Plan. The conversion of 8976 Cliffridge Ave. from single family residential to commercial use is incompatible with the La Jolla Community Plan and with existing zoning. The introduction of University affiliated institutional use into the single family residential neighborhood will convert the neighborhood to mixed use, contrary to the La Jolla Community Plan.

5

- N-20 The analysis of the project driveway located on La Jolla Scenic Way shows that his driveway is expected to operate efficiently in the context of its proximity to LJVD (200 ft. centerline to centerline) and LJSDN (100ft.). LJSW only carries 8500 ADT which translates to a very good level of Service C (LOS C). This fact coupled with the fact that the driveway will be limited to right-turns means that good operations are expected. In addition, the project driveway only serves 68 parking spaces which puts a cap on the amount of traffic the driveway will "generate". The traffic study predicts that the driveway will need to accommodate only 234 ADT on an event day with much smaller volumes (about 100ADT) during the non event days. Non event days make up the vast majority of days during the year. The bottom line is that volumes at the project driveway will be very small and will be off peak in nature (i.e. the project generates very little traffic during peak commute times, 7-9 AM and 4-6 PM on weekdays) Finally, the volumes on the nearby La Jolla Scenic Drive North are also very small, only about 300 ADT. All of these facts together leads to the conclusion that the driveway location on LISW will function adequately and efficiently.
- N-21 The traffic study analyzes "peak delay" on a busy Friday when a full capacity Shabbat service is occurring. Such a day is much busier than a typical day. The special events (limited to 9 per year at most) are very typical and it is therefore not warranted to quantitatively analyze a patronage amount of more than 200 since it occurs rarely.
- N-22 Refer to comment F-31.
- N-23 These on-campus events will coincide with events at the Hillel facility on rare occasions and will always be outside peak commuter times of 7-9 AM and 4-6 PM.
- N-24 The traffic study includes buildout of the UCSD Long Range Development Plan (LRDP) in the traffic projections. The projects mentioned in the comment are included in the LRDP.
- N-25 Only a very small number of "drop-off" traffic is anticipated and this activity will be encouraged to occur with the parking structure. The small amount of drop-off traffic would not significantly impact La Jolla Scenic Drive and Cliffridge Avenue.
- N-26 Refer to comments J-13 and J-15
- N-27 Refer to comment F-15
- N-28 Hillel is consistent with the LJCP goals, designations and the underlying zoning: it is a religious use - allowed within the community plan, it serves the residents of the community - students of UCSD. Refer to comments A-6 and A-7.

- N-29.

  17. Section III.XIII.B of the Initial Study is incorrect. The project will displace substantial existing housing. The project converts the single family dwelling at 8976 Cliffridge Ave. to institutional use. By converting the residential neighborhood to mixed use, it threatens existing residential use, and by removing the three building lots at Site 653 (zoned single family) from residential use it reduces available residential space.
- N-30.

  18. Section III.XIV.B of the Initial Study is incorrect. The project will result in significantly increased need for police protection in the area. Congregations of 200 persons weekly after dark and 400 persons monthly with associated traffic congestion will require significantly increased police protection and traffic control.
- N-31.

  19. Section III.XIV.D is incorrect. The project will create a need for additional parks and recreational facilities. The project site, Site 653 was designated open space in the 1995 La Jolla Community Plan. The proposed project permanently removes Site 653 from open space. It also removes designated bike lanes from public ownership. Both of these effects reduce park and recreational space with consequent need for expansion elsewhere to compensate.
- 20. Section III.XVI.A.B., are incorrect. The project will result in significant adverse effects on traffic and parking. These are detailed primarily in sections 3, 4, 5, 6, 7, and 13A, 13B, through 13N, of the listing above. They will not be repeated here.
- 21. Section III.XVI.C is patently incorrect. This is not merely a mistake; it must be willful misconstruction. Contrary to the checklist, there will be a major increase in demand for off-site parking. This section states "Adequate parking would be provided on site." That statement is patently false. The reasons for this are developed in sections 3, 4, 5, 6, 7, above.
- N-34

  22. Section III.XVI.D is patently incorrect. The checklist says that the project will not have an effect on existing parking. The text directly contradicts this statement, saying "The project will reduce the on-street parking spaces by 12 15 parking spaces."
- N-35.

  23. Section III.XIV.G is patently incorrect. The checklist says that the project would not increase traffic hazards through non-standard design features. On the contrary, the parking and traffic patterns associated with the design will create backup congestion at rush hours on eastbound La Jolla Village Dr. at La Jolla Scenic Way and unsafe garage exit and entry conditions. These concerns are spelled out in sections 13H and 13I above.
- 24. Section III.XVI.H is incorrect. The checklist states that the project does not interfere with policies for alternative transportation. On the contrary, the project includes loss of a publicly owned designated bike lane.

6

For the reasons above, 1, 2, 3, ..., 13A, 13B, ..., 13N, 14, ..., 24, the Mitigated Negative Declaration (MND) is insufficient. An ENVIRONMENTAL IMPACT REPORT (EIR) is required under the CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA). That was the finding of the San Diego Superior Court on the MND for Project 6098; should this issue go to court again, the finding will surely be the same.

N-29 Refer to comment J-25.

N-30 Hillel is responsible for providing their own security personnel. Refer to comment H-14.

N-31 The project site was designated residential with the adoption of the 2004 La Jolla Community plan. While the La Jolla Community plan identifies a Class II bike lane proposed for La Jolla Scenic Drive North, it also states in the bikeway standards that Class II bike lines are typically located on a major street. The La Jolla Community plan existing street classification map shows La Jolla Scenic Drive north as a local street. The community plan is a policy document that provides recommendations for the community. This does not preclude providing a signed bike facility on this street, which would be shared with automobiles. There is nothing in the La Jolla Community plan regarding a pocket park for this location. As previously mentioned, pedestrian and bicycle access will be maintained along La Jolla Scenic Drive North through to the intersection of La Jolla Village Drive and Torrey Pines Road.

N-32 Refer to comments N-3 through N-7, N-12 through N-25.

N-33 Refer to comment B-8.

N-34 Refer to comment G-14.

N-35 Refer to comment N-19 and N-20.

N-36 Refer to comment N-31.

It is a disgrace to the government of the City of San Diego that it should provide an unlawfully insufficient environmental review after having been once reprimanded by the Superior Court.

Yours truly, Ross-M. Starr



Alexander Varon 8955 Caminito Fresco La Jolla, California 92037 (858) 455-6846

September 3, 2008

Allison Sherwood Environmental Planner City of San Diego **Development Services Center** 1222 First Avenue, MS 501 San Diego, California 92101

SUBJECT:

Draft Mitigated Negative Declaration JO: 43-0276

Project No. 149437

Hillel of San Diego "Student Center"

Dear Ms. Sherwood:

Thank you for allowing me the opportunity to comment on Hillel of San Diego's proposed development of a student center. I am not only a publicly-elected Board Member of the La Jolla Shores Association and past president of the La Jolla Village Estates Homeowners Association, I am also a resident in the nearby single-family neighborhood in which this project is proposed to be buill.

Due to the severely shortened comment period, I have not been able to address nearly as many points as need to be considered for a project of this scope and the potential for problems that it brings. Please forgive the rushed nature of my comments. I reserve the right to submit additional comments before this document is finalized or should the opportunity arise at a subsequent time.

### **NOTATIONS & CITATIONS**

(Alphabetical by acronym)

ASD1 - Applicant's Submittal Drawings Part I, updated August 15, 2008; http://ucsdhittel.org/project/wp-ASD1 - Applicant's Submittal Urawings Part I, updated August 15, 2008; http://ucsdhittel.org/project/wp-content/uploads/2008/08/drawings-part-i=9-15-081.pdf

ASD2 - Applicant's Submittal Drawings Part II, updated August 15, 2008; http://ucsdhitlel.org/project/wp-content/uploads/2008/08/drawings-part-ii-8-15-081.pdf

CCP 600-15 - San Diego City Council Policy 600-15, dated May 18,1993; http://docs.sandiago.gov/council/policies/cod\_600-15.pdf

CEGA - California Environmental Quality Act, Guildelines dated July 27, 2007;

http://ceres.ca.gov/topic/env\_taw/cege/guidefines/ EIS - Environmental Initial Study, Project No. 149437; included with MND document

ISC - Initial Study Checklist (nominally Section III of the Initial Study), dated May 2008, Project No. 149437, Hillel of San Diego; Included with MND document

- LJCP La Jolla Community Plan and Local Coastal Program Land Use Plan, dated February 2004; http://www.sandiego.gov/planning/community/profiles/odl/cp/cplifullversion.pdf
- LJECLUM La Jolla Existing Conditions Land Use Map, dated April 1, 2004;
  http://www.sandiego.go/planning/community/profiles/laid/la/dif/11/laid/la.pdf
- http://www.sandiego.gov/planning/community/profiles/laiolla/pdf/1htaiolla.pdf
  LJSPDO La Jolla Shores Planned District Ordinance, dated March 2007; comprises three sections of the San Diego Municipal Code (15.10.01-15.10.04)
- MC City of San Diego Municipal Code, date May 2008; http://www.sandiego.gov/cityclerk/officialdocs/legisdocs/muni.shtml
- MND Mitigated Negative Declaration JO: 43-0276, Project No. 149437:
  - http://docs.sandiego.gov/citybulletin.publicnotices/CEQA/PN1300%2523149437%2520DrattMND.pdf; entire document contains Notice of Intent to Adopt a Mitigated Negative Declaration (NOI), Mitigated Negative Declaration (MND), Environmental Initial Study (Els), and Initial Study Checklist (ISC) (other Negative Declarations are noted with a project number or into order).
- NOI Notice of Intent to Adopt a Mitigated Negative Declaration, Itifed "Public Notice of a Draft Mitigated Negative Declaration JO: 43-0276," dated August 14, 2008; Included with MND document
- NOSTEC Noise Technical Report for the Hillel of San Diego Project San Diego, California, dated July 10, 2008, prepared by RECON Environmental Inc.; http://ucsdhillel.org/project/wp-
- content/uploads/2008/07/nostec hills/1.pdf

  SDC City of San Diego City Charter, individual articles available at http://www.sandiego.gov/city-clerk/officialdocs/regisdocs/charter.shtml
- SDSC San Diego Superior Court, Tentative Ruling for Case No. GiC867378, Honorable Linda B. Quinn; Issued 3/27/2007, Finalized October 2007;
  - http://www.blogofsandiego.com/DSD/Hillel/CourtRuling.pdf
- TIA Traffic Impact Analysis, Hillel Facility, dated July 7, 2008, prepared by Linscott, Law and Greensoan: http://ucsdhillel.org/project/wp-content/uploads/2008/07/1807traffic\_report.pdf

### 149437 OR 6098?

0.2.

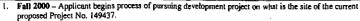
"A previous Mitigated Negative Declaration No. 6098 was prepared for a similar project on this site in 2005." (EIS, Page 1)

- In a single sentence, a near-decade of the site's history is summed. It makes no mention of what happened to Project 6098, nor does it address why a new project and a new environmental document are required for a "similar project." In fact, there appears to be some confusion as to whether or not the proposed project is a new project or just a continuation of an old one.
  - This confusion arises on the very first page of the MND package, the Notice of Intent (NOI). On this single page, two project numbers are given. The first, under the heading "General Project Information," refers to the project number as 149437. However, immediately below this section, under the heading "Subject," the project is described as "SITE DEVELOPMENT PERMIT / PUBLIC RIGHT-OF-WAY VACATION / EASEMENT DEDICATIONS / EASEMENT ABANDONMENT (PROJECT NO. 6098)..." (NOI) Which Project Number is It, 149437 or 6098?
- This mistake is carried over Into the MND Itself, where, on Page 1, the exact same situation occurs: The title of the report clearly indicates Project 149437, but the Subject section again refers to Project No. 6098. Again, which is it?

The site of the proposed project (regardless of its project number) has a long and contentious history. Figure 1 provides a brief history of two projects that have been proposed for the sile: the previous project, Project No. 6098, and the current project, Project No. 149437.

Alex Varion 000/1909 MND 3D 48-0076 Project M9837 2/26

O-1 The subject block of the MND has been revised to reflect the correct project number 149437. The previously approved project is currently in litigation.
O-2 The correct project number is 149437, see comment O-1.
O-3 Refer to comments O-1 and O-2.



- September 2004 Project is officially designated Project No. 6098 by the City of San Diego Development Services Department. A draft MND/EIS (JO: 421438) is released.
- May 2006 San Diego City Council approves the project with conditions and certifies MND JO: 421438.
- March 2007 Superior Court of San Diego ruling on Case No. GIC867378 finds "substantial
  evidence to support a fair argument that the Hillel Project may have significant environmental
  impacts" and "sets aside the MND that was certified and adopted on May 9, 2006" (SDSC, Item 6).
- October 2007 Judge Linda B. Quinn's Superior Court ruling is final, with some changes—but the main decision regarding the invalidity of the environmental document stands.
- January 2008 Superior Court decision is appealed by the City and Hillel; Applicant begins process for a "new" project
- 7. June 2008 Notice of Application for the "new" project is released; designated Project No. 149437.
- August 2008 The appeal of Case No. GIC867378 has not been heard; Judge Quinn's ruling continues to stand until it is overturned

Figure 1: A very brief history of Projects 6098 and 149437

0-7.

As can be seen, Project No. 6098 was Initially approved by City Council before the Superior Court rescinded the permits and set aside the supporting environmental document as inadequate. While under appeal, this ruling still stands.

If Project 149437, the current project, is a continuation of Project 6098, then all of Project 6098's supporting documents must be provided, including the falled MND JO: 421438. It also means that comments submitted by the public are still valid, and exhibits and issues raised in public testimony following the final draft of MND JO: 421438 should be addressed by any subsequent document. The current MND/EIS should also include discussion of the project's legal history. If Project 149437 is a continuation of Project 6098, it should be referred to as Project 6098 and any consideration suspended pending the outcome of current litigation.

Project 6098 is described as a "similar project" (EIS, page 1), Implying that Project 149437 is Indeed a new and separate project. However, discussion regarding Transportation/Parking seems to contradict this: "A previously approved traffic study ... was prepared for the proposed project..." (EIS, page4)

That the current project carries its own, new Project Number suggests that it is, in fact, a new project. This means a <u>new project—one</u> with new plans, a new history, new supporting documents, and a new series of permit requests. It means that it should be completely separate from Project 6098 and should only reference the former project, perhaps, in discussion regarding the history of the site. If Project 149437 is an entirely new project, all references to Project 6098 should either be struck from the document entirely or clearly identified as belonging to a former AND RESCINDED project and environmental document.

Further, the general notes for the Existing Site Plan (EIS, Figure No. 2) suggest that the plan is out-dated by clalming, "There are no sidewalks surrounding the existing property along La Jolla Village Dr., La Jolla Scenic Way, and La Jolla Scenic Dr. North. All sidewalks are proposed ROW improvements." (cf. Errata, Item-##) in addition, the Proposed Site Plan (EIS, Figure No. 3), Phase One- Parking Alternative One (EIS, Figure No. 4), and Phase One- Parking Alternative Two (EIS, Figure No. 5) list PDP (Planned Development Permit) Deviations when NO PLANNED DEVELOPMENT PERMIT IS BEING REQUESTED. This suggests that Figure Nos. 2-5 are throwbacks to the previous, legally-challenged Project 6098 and that the Initial Study is an inaccurate representation of Project 149437.

3/26

Alex Varon, 9/3/2009 MND JO, 43-0276, Project 149437

O-4 The permits have not been rescinded. Should the litigation not be resolved by the hearing date for this project, the action will include rescinding the permits associated with project No. 6098.
O-5 Project 149437 is a separate project, updated/revised technical reports have been provided for the current project.
O-6 The discussion has been revised to strike the word "proposed" and replace it with "previous".
O-7 Comment noted.
O-8 A Planned Development Permit (PDP) is no longer required. The figures in the MND have been revised to reflect the change. The project deviations will be part

of the Site Development Permit.

Such confusion, errors, omissions, and misrepresentation of the proposed project may unfairly prevent the public from properly assessing its impacts and providing meaningful, fully informed comments. How can the public or any agency rely on the accuracy or validity of an environmental document when the document itself cannot agree on the project number?

> Indeed, such a discrepancy may violate CEQA guidelines, which require a negative declaration to include "A brief description of the project, including a commonly used name for the project, if any." (CEQA, 15071(a)) In this case, the reference number for the project could be considered a commonly used name for the project, as it is a method for uniquely identifying the project and rendering it distinguishable from any other.

A new, corrected draft environmental document should be re-circulated with an appropriate comment period.

#### MISCHARACTERIZATION/MISREPRESENTATION OF ADJACENT AREAS

- The EIS erroneously lists the neighborhood east of the site as "Existing multi-family houses" 0-10. (EIS, Figure No. 3). More than just an error, this is actually an indication of the inadequacy of the MND, and indirectly demonstrates the need for a full Environmental Impact Report (EIR).
- Hillet has publicly cited (La Jolla Permit Review Committee, July 22, 2008) their center at University of California Los Angeles (UCLA) to be situated in a similar neighborhood. In fact, 0-11. that particular center is in a dense residential neighborhood of a mixed-use zone. Hiller's claims are that because the UCLA center is in a dense residential area, this center is no different.

The CEQA FAQ (http://ceres.ca.gov/topic/env\_law/cega/more/fag.html) states, "A project may not be approved as submitted if feasible alternatives or mitigation measures are able to substantially lessen the significant environmental effects of the project."

Hillel's justification that its proposed student center here would be no different than that of UCLA is part of its argument that "feasible alternatives"-meaning discussion of other potential sites-0-12. are unnecessary and that, therefore, no EIR is required. The misattribution of the neighborhood to the east of the site in question falsely lends credence to this justification.

> The neighborhood to the east, known, collectively, as La Jolla Village Estates (LJVE), is comprised of single-family homes, constructed in pairs, which share a singular wall with one adjacent neighbor. Owners are property holders in deed, retaining full rights to their parcel, with no "shared Interest" by any of their neighbors. The Association is a Planned Unit Development. with owners having shared interest in common areas only and being entirely responsible for their home's upkeep.

While Planning Department Existing Conditions Interactive Map (http://citymaps.sandiego.gov/imf/sites/ecdc/start.jsp, Figure 2) does indeed list this particular

0-13. neighborhood as multi-family, other, more definitive City of San Diego sources do not. It should be noted, as well, that this map does not reflect the site of the proposed project as being Residential. If this map is to be used as a reference, a zoning change would be required.

> MHD 302-4010276 Project 649407 Alex Varon 9/3/1008 4326

| 0-9  | The inclusion of the previous project number was a typographical error. It has been revised in the Final MND. |
|------|---|
|      |   |
| O-10 | Figure 3 has been revised to reflect the single family residences.  |
| 0-11 | Comment noted.  |
|      |   |
| 0-12 | Refer to comment O-10   |
|      | ,   |
|      |   |
| O-13 | The 2004 La Jolla Community plan, Community Plan Land Use Map, Figure 1, page 5 is the correct map.           |
|      |   |

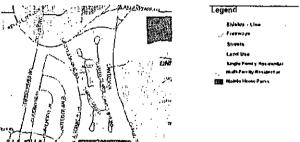


Figure 2: Planning Department Existing Conditions Interactive Map (detail)

The "Community Land Use Map" (LJCP Figure 1, Figure 3) shows this neighborhood to be "Low Density Residential (5-9 DU/AC)"—the same as the neighborhood to the south of the proposed student center.

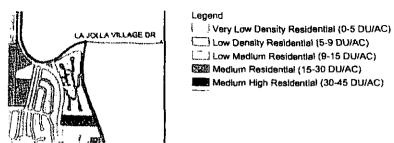
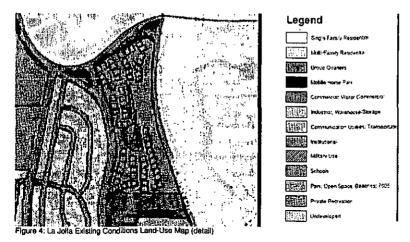


Figure 3: Community Land Use Map (detail) from La Jolla Community Plan

The La Jolla Existing Conditions Land Use Map, dated April 1, 2004, shows the neighborhood to the east of the site as "Multi-Family Residential" units surrounded by "Park; Open Space; Beaches; 7605", as shown in Figure 4. This zoning is incorrect, as the land around the homes is private land belonging to LJVE. Note here, too, that the site of the proposed project is listed as "Private Recreation."

Survivino Citaria Male to an Otta Project (494). 526

O-14 It appears that the online version of the map is incorrect. The accurate map is reflected in comment O-13. Community planning has been made aware of the incorrect version.



However, the Developmental Services Official Zoning Map, grid tile 27 (http://www.sandiego.gov/development-services/zoning/pdf/maps/grid27.pdf, Figure 5), dated November 23, 2005, clearly shows the neighborhood to be Single Family under the LJSPDO

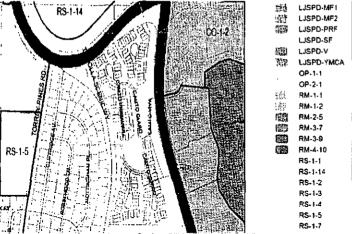


Figure 5: City of San Diego Development Services Official Zoning Map, grid tile 27 (detail)

Alex Majori 19/1/2006

Jabits 10 to 3 to 00 year Project (149400)

62%

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This designation is confirmed within the LJSDPO itself, which specifically calls out the tract under "Single Family Zone-Development Regulations" as "Tract I, portion of Blocks 1, 2, Leavitt's Addition, Map 117, westerly of Gilman Drive" (LJSPDO Div. 3, 9; SDMC 1510.0304.9).

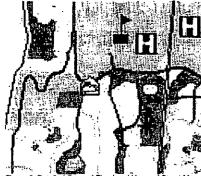
If the Official Zoning Map and the LJSPDO are to be ignored or considered out of date, then, according to the other maps, not only will the City be required to officially re-zone LJVE, it will likely also have to re-zone the project site itself. On the other hand, if LJVE is correctly zoned Single-Family. Hillel must refrain from comparing the proposed center to others such as UCLA, if not outright consider allemative sites that conform to the environs of other Hillel centers, in Mixed-Use neighborhoods such as those set aside expressly for adjunct student groups like those in University City, as expressly required by an EIR.

#### **OFFICIAL CITY MAP ERRATA**

0-13.

Another use for the site has been identified and documented in official City documents. San Diego General Plan Figure 1.U-2, "General Plan Land Use and Street System Map"

O-16. (http://www.sandiego.gov/planning/genplan/pdf/generalplan/ju/2gpwstreet.pdf, Figure 6)) calls this particular site out as the location of a possible fire station.



Land Uses of Citywide Significance

Fire Stations

- Universities & Colleges
- \* Regional Shopping Centers
- ⊪ Hospitals

Figure 6: Detail of General Plan Land Use and Street Map, showing location of a possible fire station

Discrepancies in this series of official City maps suggest that perhaps no project should be considered for this site until these differences are sorted out. Without a clear and agreed-upon zoning and land-use determination, any decision on this project would be trresponsible and any certified environmental document—be it a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report—would be rendered auspect.

#### LAND USE

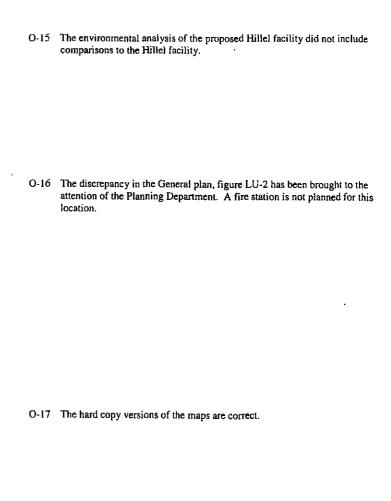
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Hitlel rather disingenuously claims that the proposed project is permitted in the Single-Family Residential zone under the LJPDO. Nowhere is this more clearly stated than in the response to the Initial Study Checklist, which says, "The proposed project is consistent with the adopted La Jolla community plan [sic] dated February 2004. The project is zoned Single Family Zone within

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the La Jolla Shores Planned District and the proposed use for the project is consistent with that zone." (ISC, X.A)

Throughout the MND, the EIS, and supporting documents, the proposed project is always referred to as a "student center." While Shabbat services are mentioned with respect to traffic and parking, little mention is made of the center's use. In fact, even the response to the checklist question is opaque: "the proposed use is consistent with that zone." How?

Presumably, this is based on the La Jolla Shores Planned District Ordinance, which states, "Churches, temples or buildings of a permanent nature, used primarily for religious purposes" (LJSPDO, 1510.0303(e)) are permitted uses within the Single-Family Zone. But because the proposed student center is neither a "church" nor a "temple," careful examination must be made to the last part of the LJSPDO qualification: "used primarily for religious purposes." The word "primarily," as defined by Merriam-Webster's dictionary, means "for the most part" or "in the first place" (Merriam-Webster's Online Dictionary, <a href="http://www.merriam-webster's.com/dictionary/primarily">http://www.merriam-webster's.com/dictionary/primarily</a>).

Perhaps no other ethnic group is so inextricably tied to a particular religion as the Jewish people. Deep-rooted beliefs, centuries-old practices, and tragic history have instilled a fierce pride in and an unwavering commitment to preserve Jewish heritage. To be Jewish is to embrace a rich, vibrant culture that has lasted for thousands of years. Because of this, it is nearly impossible to separate culture from custom, and heritage from religion. Yet, this is precisely what is necessary when considering the full range of programs and activities offered by a group such as Hillel.

A survey of Hillel websites, both national (<a href="www.hillel.org">www.hillel.org</a>, <a href="http://www.hillel.org">http://www.hillel.org</a>, <a href="http://www.hillel.org">http://www.hillel.org</a>, <a href="http://www.lacebook.com/group.php?qid=5056168804">http://www.lacebook.com/group.php?qid=5056168804</a>), yields a wide variety of activities and programs. Interestingly, sites at both levels appear to take great pains to emphasize the non-religious aspects of the organization. In describing its functions, Hillel of San Diego states, "Social, cultural, educational, and community service programs provide opportunities for students to build relationships with each other and develop Jewish community." ("About Hillel," http://hillelsd.org/mission.html)

This gives the appearance that Hillel is more culturally oriented than religiously oriented. For example, the national Hillel organization list 32 program subject ideas to be implemented at local Hillel centers. These include "Advocacy, Alternative Spring Break, Arts/Culture/Music, Athletics, Awareness week/month, Career planning/mentoring opportunities, Coalition, Community relations, Community service, Educational, Fundraising, Israel, Jewish Learning, Leadership training, Lecture or speaker series, Mentoring, Multiculturalism, Orientation, Parents weekend, Participating in local community events, Participating in other campus groups' projects, Political, Pre/Post Birthright Israel, Regional event, Religious & cultural, Shabbat, Social, Tabling, Tutoring, Multi-campus event, Regional event, National/international event." (Hillel: The Foundation for Jewish Campus Life,

http://notes.hillel.org/Hillel/exchange.nst/BrowseProgramSubject?OpenForm) Of the 32 categories, only three—Jewish Learning, Religious & Cultural, and Shabbat—would explicitly qualify as religious. 3 of 32 amounts to less than 10%—hardly a figure that fits the definition of "orimarity."

The picture that emerges is one of an organization made up of politically and socially engaged students who find camaraderie and community through a common heritage or interests. In fact,

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O-18 The proposed project is a religious student center. Consistent with the Community Plan land use designation, the properties are zoned Single Family (SF) in the La Jolla Shores Planned District Ordinance (LISPDO). The LISPDO permits churches, temples or buildings of a permanent nature, used primarily for religious purposes in the SF zone.



aside from catering to Jewish students—as the Hillel of San Diego website says, "Creatively engaging and empowering Jewish students through personal interactions and compelling programs" (Hillel of San Diego, <a href="http://hillelsd.org/mission.html">http://hillelsd.org/mission.html</a>) —Hillel of San Diego could be any one of a myriad of student groups, religious or not.

The constant referral to the project as a "student center" is the final clue in this puzzle. This is a student center geared toward a particular religion—as compared to a religious center geared toward students. This makes sense, considering that Hillel is first and foremost a campus organization—it's even in the national motto: "Hillel: The Foundation for Jewish Campus Life" (Figure 7).



Figure 7: The graphic Hillel motto from the national website, www.hillel.org

This suggests that white Hillel is most definitely a religious organization, the use of the proposed project would not be "primarily religious"—and would not meet the requirement set forth in LJSPDO 1510.0303(e).

So what are the uses of the facility and how do they match up against uses listed in the LJSPDO? While student centers are not explicitly called out in the LJSPDO, the code does allow for findings made "to be similar in character to the uses, inclining accessory uses, enumerated" (LJSPDO, 1510.0307) in sections pertaining to Multi-Family, Visitor, and Commercial zones. Such instances of similar use cannot be made for Single-Family zones.

The closest similar use to a student center that can be found in the LJSPDO is that of a school. Schools are permitted in the SF zone, but only those that are "limited to primary, elementary, junior and senior high schools." (LJSPDO 1510.0303(d)) College-level schools are not included in this list and, therefore, any use as a Student Center is inconsistent with the LJSPDO SF zone.

Regular kosher meal services for Shabbat and at other times of the year is one of the mainstays of Hillel's service on UCSD. On some other campus, kosher meals are served dally—and it would not be such a stretch to imagine this practice at UCSD in the future. In this capacity, Hillel is operating similarly to a restaurant, which, under the LJSPDO, Is allowed only in the Commercial (LJSPDO, 1610.0309(a)(30)) or, as an accessory use, Visitor (1510.0307(b)(1)) zones. As such, any use as a restaurant is inconsistent with the LJSPDO SF zone.

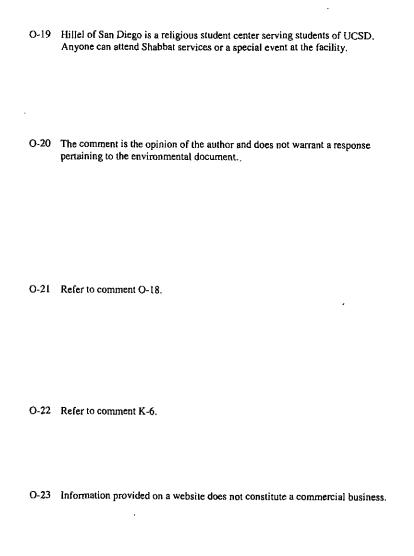
One of Hillel's main programs, both nationally and locally, is their Birthright Israel program, which encourages student travel to Israel. While the particular pages devoted to this program are currently under construction at the websites of both Hillel of San Diego ("Birthright/Israel Opportunities," <a href="http://hitlelsd.org/birthright.html">http://hitlelsd.org/birthright.html</a>) and Hillel of San Diego at UCSD ("Travel Opportunities," <a href="http://wcsdhillel.org/travel-opportunities/">http://wcsdhillel.org/travel-opportunities/</a>), the page at the SDSU site describes it as a free package which "includes round-trip airfare on El-Al from selected gateway cities and landisrael 2000 accommodations at quality guest houses and hotels." ("Taglit: Birthright Israel," <a href="http://www-rohan.sdsu.edu/dept/isu/public html/birthright israel.html">http://www-rohan.sdsu.edu/dept/isu/public html/birthright israel.html</a>) In this capacity, Hillel functions similarly to a travel agency, which is allowed, under the LJSPDO, only in the Commercial (LJSPDO, 1510.0309(a)(35)) or, as an accessory use, Visitor (LJSPDO, 1510.0307(b)(6)) zones. Again, any use as a travel agency is inconsistent with the LJSPDO SE zone.

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The intent of Including religious use within the SF zone is to provide places of worship that serve the neighborhoods in which they are located. "Hillel of San Diego ... serves an estimated 5000 Jewish undergraduate and graduate students at institutions of higher education across San Diego County." ("About Hillet," <a href="http://hillelsd.org/mission.html">http://hillelsd.org/mission.html</a>). Non-students, unless parents or alumni, are not invited to participate in activities or allowed to use the facility. In this manner, Hillel effectively operates as a private club with respect to the community at-large. "Private clubs, lodges, and fraternal organizations except fraternities and sororities" (LJSPDO, 1510.0307(c)) are only permitted in Visitor zones under the LJSPDO. Therefore, any use as a private club is inconsistent with the LJSPDO SF zone.

Last, the proposed facility would include administrative offices. While there is active involvement from volunteers, the core of Hillel's staff ("Meet our Staff," <a href="http://hillelsd.org/staff.html">http://hillelsd.org/staff.html</a>) is made up of paid professionals who receive "a competitive level of compensation, benefits, and development programs." ("Careers with Hillel."

6-35. <a href="http://www.hillel.org/careers/default">http://www.hillel.org/careers/default</a>). These professionals do more than just minister to the faithful or run the facility: they administer student programs, coordinate social functions, and organize events of all kinds (cf. Phase I, below). This use most closely aligns with "Business and professional offices" (LJSPDO, 1510.0309(c)(1)), which is permitted only in the Commercial zone. Office use is inconsistent with the LJSPDO SF zone.

Returning to the initial Study Checklist, Item X.A. (ISC, page 9) reads "[Would the proposal result in] a land use which is inconsistent with the adopted community plan land use designation for the site or conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project?" (ISC, X.A.) In other words, the question is not "Does the proposal include a land use that is consistent with the adopted community plan?" but rather "Does the proposal include a land use that is inconsistent with the adopted community plan?"

This is an important distinction, and demonstrates the complete inadequacy of Staff's answer to the question. CEQA states that use of a checklist in ascertaining project effects is permissible in an initial study, "provided that entries on a checklist or other form are briefly explained to indicate that there is some evidence [emphasis added] to support the entries." (CEQA, 15063(d)(3)) As discussed above, there is evidence that the proposed student center might fall under multiple designations, many of which are inconsistent with the adopted community plan. Staff's answer mentions none of this—and, in fact, offers no explanation as to why "No" is checked, other than to assert, without evidence, that "the proposed use for the project is consistent with that zone" (ISC, X.A).

Because of the evidence of possible inconsistencies with the adopted community plan (LJSPDO) and the unsubstantiated assertions made in response to ISC X.A, further discussion/explanation should, at minimum, be provided in Section IV of the Initial Study.

#### PROPRIETY OF A PHASED DEVELOPMENT

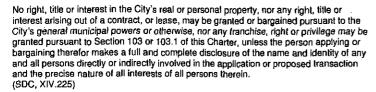
is it appropriate to pass this project as a "phased development" when two distinct parcels, held by two distinct owners, are involved, but only one landowner is listed as an applicant?

The San Diego Charter declares:

A-24.

Alex Vacou, 97/29/09. IMMERCO 13 0276 Project 149437

| 0-24 | This facility caters to those students who wish to involve themselves in their religious observances, religious education opportunities or religious counseling. Anyone who wishes to attend a religious service or special event at Hillel may do so.  |
|------|---|
| O-25 | Refer to comment A-7.   |
| O-26 | Consistent with the Community Plan land use designation, the properties are zoned Single Family (SF) in the La Jolla Shores Planned District Ordinance (LISPDO). The LJSPDO permits churches, temples or buildings of a permanent nature, used primarily for religious purposes in the SF zone. |
| O-27 | The answer provided for the item on the checklist, X.A. is sufficient for the question that is asked. No further explanation is needed.   |
| O-28 | There is no further information that needs to be provided for the Land use issue.   |
|      |   |



Hillel of San Diego is the only applicant named in the project's description (EIS, page 1). Who are the directors of Hillel of San Diego and why are they not named? And who is the owner of the site of Phase I, the single-family residence at 8976 Cliffridge Avenue?

This requirement of the City Charter qualifies as a "policy ... with jurisdiction over [the] project" (ISC, X.A); lack of disclosure represents a conflict that must be addressed in the EIS.

#### **PHASE I**

0-31.

Phase I of the project is described as "the continued operation of administrative offices in the existing single family residence located at 8976 Cliffridge Avenue." (EIS, page 1)

The use of the word "continued" implies that such operation is already currently underway.

Such use is, currently, illegal. In fact, illegal operations at this residence have been continuing for over five years and have been served with notices of violation by Neighborhood Code Compliance.

alternatives "for providing the required off-street parking spaces." (EIS, page 2) According to the LJSPDO, "Off-street parking spaces and facilities required in any area shall be provided before [emphasis added] the use requiring such parking facilities commences to operate." (LJSPDO, 1510.0401(a)) If off-street parking is required by Phase I and such required parking must be provided before any use, then any operations held prior to the installation of said parking would, by definition, be a violation of the "applicable land use plan" (ISC, X.A). Thus, operations in the Single-Family residence cannot legally commence—much less continue—until Phase I is complete. This suggests that any references or permissions to "continued operation" must be withdrawn from the whole of the project (a rather substantial change to the underlying project, considering that it afters one of two phases, that requires a recirculation of a corrected MND); otherwise, the MND would tacitly support on-going violations of the LJSPDO in willful deflance of CEQA guidelines and local and state

Phase I is mentioned in the "Purpose and Main Features" section of the EIS as containing two

Religious worship is not carried out at this location; therefore use of the residence cannot be considered a religious use. This is, in fact, why the operations are listed as "administrative offices." As previously noted, office use is inconsistent with the LUSPDO SF zone. If operations as administrative offices are allowed to continue, as per the project description, how will this suddenly make such use legal?

One clue is implied by Applicant's own public testimony that 8976 Cliffridge Avenue will "revert back to Single-Family Residential." Revert back from what? No other permits are listed in the MND other than a Site Development Permit, A Public Right-of-Way Vacation, Easement

Alex Varon, 9/3/2008 MND TO: d3-0276, Project 149437 L1/26

| O-29 | The requested information is not required as part of the environmental document for the project.                            |
|------|---|
| O-30 | Refer to comment A-7.   |
| O-31 | Splitting Phase I and Phase II into two separate projects would be considered "piecemealing" under CEQA and is not allowed. |
| O-32 | As noted in the project description the administrative offices are for Hillel, a religious facility.                        |

- Dedications, and an Easement Abandonment. Has a Change-of-Use been omitted by the MND and EIS? How can a change of use be omitted when such a change would result in a use that is inconsistent with the LJSPDO SF zone (and thereby has bearing on the question posed in ISC X.A)?
- The project's DSD Cycle Reviews reveal that a change of use will indeed occur, and that this change will be from residential to commercial. Number 5 of Issue Group 928052 states,

  "Conversion of a single family to a commercial use [emphasis added] will require the structure be brought up to the code in effect at the time of submittal including wall and opening protection." (149437 Cycle 12 Issues Report No. L64A-003A, dated June 30, 2008, page 12)

  Such a conversion is not only a clear violation of the LJSPDO zoning regulations, it is also a blatant example of spot-zoning, which is defined in the California Planning Guide as "The zoning or land uses, particularly if done to favor a particular landowner." (California Planning Guide: An Introduction to Planning in California, dated December 2005, prepared by the Governor's Office of Planning and Research, page 16;

  http://www.opr.ca.gov/planning/publications/California Planning Guide 2005.pdf)
- The conversion of a single family to a commercial use is a significant land use impact under CEQA, one that is not only unmitigated, but may well prove to be illegal. Failure to address this Impact represents a severe deficiency in the MND that must be accounted for. As "segmenting or piecemealing" a phased or compound project is not permitted under CEQA Section 15165, all parts of a project must be adequately addressed and a failing in one phase must be considered a failing of the whole.

#### **RIGHT-OF-WAY VACATION**

The proposed Public Right-of-Way (ROW) Vacation provides inconsistencies with the Municipal Code, adopted San Diego City Council Policy, and the La Jolla Community Plan, and potentially leopardizes the safety of vehicles, bicyclists, and pedestrians.

There is nary a mention in the MND or EIS of the potential impacts made by the proposed ROW Vacation ilsted in the project's description. The vacation is described as allowing "approximately 19,719 square-feet of land to be added to the existing site" (EIS, page 1) and as being situated "on a portion of La Jolla Scenic Drive North, along the south-southwestern portions of the site." (EIS, page2) Despite its very direct and obvious connection to streets—and, hence, traffic—the project's traffic study (TIA) does not mention the ROW vacation, even in its description of the project (see "Traffic," below).

The existing ROW is given as 102 feet (EIS, Figure No. 2) along the throughway portion of La Jolla Scenic Drive North (LJSD), with the existing developed street having a width of 36 feet, curb-to-curb. The proposed ROW Vacation would reduce the existing ROW by 46 feet, to 56 feet, and narrow the existing street by two feet, to 32 feet in width, (ASD1, Mag C3.0)

San Diego City Council Policy 600-15, dated May 18,1993, states that the City will "vacate or abandon, in whole or in part, a public right-of-way when there is no present or prospective use for the right-of-way, and such action will serve the public interest." (CCP 600-15, Policy 1)

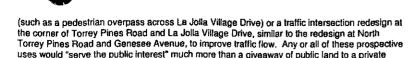
The proposed project does not meet these criteria. While there is no "present" use of the ROW, "prospective" uses include a proposed Class II bikeway (LJCP, Figure 14, page 77), a neighborhood-sponsored plan for a pocket park, and future pedestrian access improvements

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- O-33 The change of occupancy is permitted through a building permit which is a ministerial action. The applicant will obtain this permit for the single family residence subsequent to the public hearings for the discretionary action.
- O-34 No rezone is proposed with this project, nor is it required.
- O-35 The project is going forward as a whole, no segmenting or piecemealing has occurred.

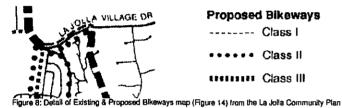
- O-36 No environmental impacts would result from the right-of-way vacation. Pedestrian and bicycle access will be maintained. The proposed street vacation does not impact the roadway system in the area and does not preclude the public from using the existing street system. Hillel is also proposing to provide a pedestrian and bicycle connection at the end of La Jolla Scenic Drive North and Torrey Pines Road. 2004 La Jolla Community Plan circulation element shows La Jolla Scenic Drive North along project frontage as Local Street. The proposed cross-section is 34'/56' (34 feet curb to curb width + 10 feet curb to property line on the south side and 12 feet curb to property line on the north side) with non-contiguous sidewalk on the north side. This is consistent with current City of San Diego Street Design Manual for Residential Local Street with 34'/56' cross-section with U-3 (12 feet wide) parkway on the north side.
- O-37 Refer to comment N-31.



According to the San Diego Municipal Code, four findings must be made before a ROW Vacation can be approved. These cannot be made in the case of the proposed project:

 "There is no present or prospective public use for the public right-of-way, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated" (MC, 125.0941(a))

The existing ROW presumably resulted from, and exists for, roadway improvements such as those that resulted in the currently existing cul-de-sac. As already mentioned, prospective uses of this nature do exist—most notably, the Class It Bikeway called out in the La Jolia Community Plan (Figure 8). Other prospective uses include a neighborhood-propose pocket park, a pedestrian bridge over La Jolia Village Drive, or a realignment of the traffic intersection of Torrey Pines Road and La Jolia Village Drive. Prospective uses do exist; finding cannot be made.



"The public will benefit from the action through improved use of the land made available by the vacation" (MC, 125.0941(b))

The beneficiaries of the ROW Vacation would be Hillel and the owner(s) of the residence at 8976 Cliffridge Avenue, not the public. The vacation would "allow approximately 19,719 square-feet of land to be added to the existing site" (EIS, page 1), more than doubling existing site (Site 653, 17,000 square feet). The single-family residence at 8976 Cliffridge Avenue would retain a small portion (approximately 1,000 square feet) of the ROW vacation (Figure 9), as shown on the Applicant's Plans (ASD1, map C3.0). No other adjacent properties would receive any portion of the vacation. This allocation of currently public land to two adjacent properties is not a public benefit.

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O-38 Refer to comment O-37.

O-39 Refer to comment G-10.

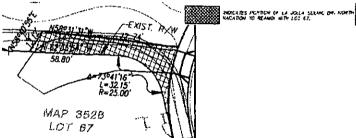


Figure 9: Detail of Applicant's Site Drawing, map C3.0, showing portion of ROW to remain with existing single-lamily residence

Hillel's suggestion that the provision of a pedestrian/bike path connecting the corner of Cliffridge Avenue and LJSD to the intersection of Torrey Pines Road and La Jolla Village Drive (Figure 10) is a public amenity is disingenuous, since this merely amounts to the Applicant taking land from the public so that they may offer it back. Unimproved access between LJSD and the intersection <u>already exists</u> via stepping over a curb and onto an adjacent sidewalk. Further, the fact that this path will remain on private property wilhout a right-of-way easement means that the property owner retains the right to close such access at any time. The transfer of existing public access to an open but private access cannot be construed as a public benefit.



Figure 10: Detail of Applicant's Site Drawings (ASD1, map A1.3), showing proposed pedestrian/bike path

The narrowing of LJSD, even by two feet, will present a greater danger to motorists and cyclists (Figures 11-13). This road segment acts as a 2-Lane Collector (La Jolla Scenic Drive North is identified as such in the La Jolla Community Plan [LJCP, Figure 11, page 68]), connecting the near-blind, stop-controlled 107° intersection with Cliffridge Avenue at the northwestern end to La Jolla Scenic Way (LJSW) through a stop-controlled left turn and southbound LJSD through a completely uncontrolled merge at a point where southbound traffic narrows from two lanes into one at the southeastern end. It is trafficked not only by nelighborhood residents, but also by overspill drivers seeking to avoid traffic congestion on Torrey Pines Road and La Jolla Village Drive during the p.m. rush hour. Combined with parking on both sides, the current configuration of the road is already dangerous. Increasingly hazardous traffic conditions cannot be considered a

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O-40 Comment noted. As previously stated, pedestrian and bicycle access will be maintained through to the intersection.

O-41 Refer to O-36.

public benefit. (Note: the Applicant's one-time proposal to red-curb the north side of the street would result in an additional loss of on-street parking—still not a public benefit.)



Figure 11: Bidirectional traffic along La Jolla Scenic Drive North at current street width of 36'



Figure 12: Bidirectional traffic on La Jolla Scenic Drive North with street narrowed to 34', simulated by westfacing parked vehicles (left) parked two feet from the existing curb



Figure 13: Bidirectional vehicular traffic and bicyclist sharing simulated narrowed street of 34'

Indeed, rather than benefiting from the proposed ROW Vacation, the public will actually suffer from the giveaway of public land, loss of public access, and hazards created by narrowing the street. The finding of a public benefit cannot be clearly made.

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O-42 Refer to O-36.

- 3. "The vacation does not adversely affect any applicable land use plan" (MC, 125,0941(c))
- As mentioned previously, the Figure 14 of the La Jolla Community Plan calls out a proposed Class II bikeway for LJSD (see Fig-##). The loss of over 45% of the available ROW and the narrowing of the street effectively ellminate the possibility of this bikeway from ever being installed. This is clearly an adverse affect upon an applicable land use plan: finding cannot be made.
  - "The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the vacation." (MC, 125,0941(d))
- While the original reason for the ROW is unknown, it is fair to presume that it is a byproduct of the realignment of Torrey Pines Road, La Jolla Village Drive, and La Jolla Scenic Drive in the 1960s. Previous precise and community plans have repeatedly shown such transportation elements as a jitney route, unobstructed pedestrian access, and a bicycle route along LJSD. The loss of the potential for a bicycle route and the increased danger posed to motorists and cyclists would be detrimental effects; finding cannot be made.
- Since findings cannot be made under the Municipal Code or City Council Policy, the ROW Vacation must be considered to "conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over [the] project" (ISC, X.A). This further highlights the deficiency of Staff's answer to question ISC X.A and suggests more strongly that not only should "Yes" or "Maybe" be checked instead of "No." but that discussion of this impact is imperative to the proper adoption of the MND.
- Furthermore, the narrowing of the street that would result in the ROW Vacation and its subsequent loss of the proposed bikeway represents a clear "Conflict with the goals, objectives and recommendations of the community plan in which [the project] is located" (ISC, X.B). Thus, the answer that "the proposed project does not conflict with goals specified within the community plan" (ISC, X.B) is patently incorrect.

Last, the loss of the proposed Class II bikeway called out in the La Jolla Community Plan (LJCP, Figure 14, page 77; see Fig.##) and the narrowing of the street <u>invalidates the responses to ISC Items XVI.E., XVI.G., and XVI.H.</u>

The Inclusion of the ROW Vacation requires that the responses to five (5) questions on the Initial Study Checklist be changed; omission of this element of the proposed project represents a major deficiency of the MND and Initial Study.

#### NOISE

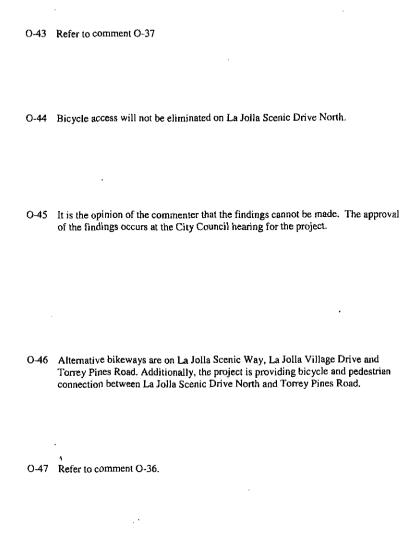
The EIS and the supporting study, *Noise Technical Report for the Hillel of San Diego Project San Diego, California*, dated July 10, 2008, prepared by RECON Environmental Inc, do an adequate job describing the impacts of traffic noise on the site itself, but fail to account for noise that would originate at the site and impact the surrounding neighborhoods.

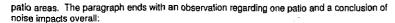
The EIS states, "The primary existing noise source at the site are traffic noise from [the surrounding streets]" (EIS, page 8) and that "future exterior noise associated with the traffic would exceed 65 dB for the entire site." (EIS, page 8) The following, final paragraph addresses noise levels at particular locations on the site, with specific attention paid toward the outdoor

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In addition, the northeast patio is not a required outdoor space by the City of San Diego and the patio would be used in a limited capacity. Therefore, the proposed project would not result in a significant noise impact and no miltigation is required. (EIS, page 9)

This conclusion is counterfactual. The presence of high noise levels generated by traffic in any of the patios provides absolutely <u>no evidence</u> that "the proposed project would not result in a significant noise impact." The traffic is the source of the noise in this discussion, not the project. It is entirely possible that no significant noise impacts would result from the proposed project, but this is not proven in discussion, nor is there any evidence presented in the project's noise study, *Noise Technical Report for the Hillel of San Diego Project*, dated July 10, 2008, prepared by RECON Environmental, Inc., to support this conclusion. This is clearly stated in the study's summary, which says, "This report focuses on the potential traffic noise impacts to the proposed project [emphasis added] due to traffic on La Jolla Village Drive, La Jolla Scenic Way, and Torrey Pines Road." (NOSTEC, page 1)

The reliance on this report to prove or disprove any noise impacts, significant or otherwise, that would result from the proposed project is misplaced.

To properly evaluate any noise impact *created* by the project and imposed on the immediate vicinity, sources of noise that originate from the project itself or its use must be evaluated. Such source might be mechanical (from machine and ventilation systems), electronic (such as the sourcewing of an intercom), automobile-related (from idling cars queuing to enter the garage), or human (crowd noise, social events, and large numbers of people arriving and departing the facility).

Imagine, for example: the noticeable click, whirr, and hum as a commercial-grade air conditioner stirs to life in the wee hours of a warm, quiet summer night; the catcalls from crowds of students, filled with abullient good cheer following a night of celebration, as they walk to their cars or back to campus late in the evening; or the horns of angry drivers caught in the middle of intersection at La Jolla Village Drive and La Jolla Scenic Way because of a line of cars waiting for a parking attendant to usher them into the garage.

None of these examples are outside the realm of possibilities, yet none of these sources are addressed by the EIS. Without proper discussion of the possible consequences of introducing commercial-grade equipment such as a large-scale ventilation system, elevator equipment, and a garage gate, commercial level services such as dumpster pickup and large-scale deliveries, and high-attendance functions such as student social mixers and celebrations into a residential environment, it is impossible to determine the significance or insignificance of potential noise impacts.

Another consideration should be the potential echo-effect on traffic noise created by the erection of a 20-foot-plus structure along the slopes bordering La Jolla Village Drive and La Jolla Scenic Way

North of the project site, directly across La Jolla Village Drive, the land slopes up a steep hillside, atop which sits the broad, unbroken expanse of the 30-foot-tall cinderblock façade of the La Jolla Playhouse's southern wall. Situating Phase II across from this, above a slope of

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O-48 Refer to comments B-23 and B-24.

O-49 Refer to comment B-24.

approximately 14 feet (EIS, page 3), may very well have an attenuating effect on the noise generated by traffic on La Jolla Village Drive, which is currently measured at an average noise level of "67.4 dB(A)  $L_{eq}$ " (NOSTEC, page 8).

The situation is different on the east side of the site, as there is no facing hillside or wall to properly attenuate noise. However, the homes in this LIVE neighborhood are situated four to ten feet below the La Jolla Scenic Way street level and may experienced increased traffic noise as it is reflected off the proposed structure some 20 to 30 feet above.

The San Diego Noise Ordinance (MC 59.5.01) declares, "Every person is entitled to an environment in which the noise is not detrimental to his or her life, health, or enjoyment of property." (MC, 59.5.0101(d)) This simply cannot be measured without discussion of relevant impacts.

This glaring omission in discussion and its unsubstantiated conclusion demonstrate the inaptness of two of the answers given to the ISC questions regarding noise:

"[Would the proposal result in] A significant increase in the existing ambient noise levels?" (ISC, XI.A) Staff has checked "No," but without any proper study or discussion in this regard, this cannot be proven. The proper answer should be an unqualified "Maybe" until more evidence is provided one way or the other.

"[Would the proposal result in] Exposure of people to noise levels which exceed the City's adopted noise ordinance?" (ISC, XI.B) Again, staff has checked "No," but this time also restated this groundless assertion as the written comment to this question. The NOSTEC did not, in fact, evaluate this possibility and the conclusion reached in the EIS discussion is completely unfounded. The proper answer should be "Maybe" and a study should be made to evaluate the potential.

O - 52. Leaving the answers to ISC XLA and XLB unchanged and the discussion on the subject as-is would represent a violation of CEQA, which, as previously noted, requires ISC answers to "indicate that there is some evidence to support the entries." (CEQA, 15063(d)(3))

#### **GLARE**

On the subject of glare, the ISC is checked "No" and reads, "The proposed one-story project would not result in substantial light or glare." (ISC, I.A) Again, no evidence is offered to support this assertion.

Drivers who frequently traverse the intersection of La Jolla Village Drive and La Jolla Scenic Way are familiar with the problem of direct sunlight blinding them as the travel west during the late afternoon and early evening. This is caused by the upward slope of the street toward the top of the coastal ridge and the slightly southward drift of this segment of the street. As the sun dips toward the top of the ridge and matches the angle of the upward slope, drivers find themselves staring directly into the sun, sometimes making it difficult to distinguish the traffic signal lights or even objects directly ahead.

The erection of the proposed student center, with its large floor-to-ceiling windows along both La Jolla Village Drive and La Jolla Scenic Way, potentially offers westbound drivers similar visual impairment opportunities in the morning as they receive the toward the evening.

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O-50 Refer to comment B-24.

O-51 Refer to comment B-24.

O-52 Refer to comment B-23 and B-24.

O-53 A glare study was not required due to the fact the one-story building did not meet the CEQA Significance thresholds of the City of San Diego which states: The project would be moderate to large in scale, more that 50 percent of any single elevation of a building's exterior is built with a material with a light reflectivity greater than 30 percent, and the project is adjacent to a major public roadway or public area. Elevations for the structure provide a combination of glass, stucco, and stone veneer, the glass portion is not over 50%, and this building would not be considered moderate or large in scale. As a result a substantial amount of glare is not anticipated to occur during morning and evening hours.

Situated, as it will be, at the top of an east-facing ridge, the proposed project will receive direct, unobstructed light from the rising sun. Add to this, the North-Northeast angle of the building's eastern wall (Figure 14), as shown on ASD2, A2.4, and the possibility of bright sunlight glaring off the windows toward the intersection becomes clear. A similar effect, though probably only during certain times of the year, may present itself in the afternoon and evenings from the building's glass-lined north wall.

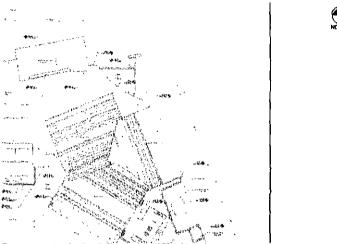


Figure 14: Detail of Applicant's Site Drawings (ASD2, A2.4), showing North-Northwest angle of the project's eastern wall

O-54. That the potential for such safety-threatening situations to even exist warrants turther study and discussion within the EIS. If, in fact, the above scenario proves not to be the case, evidence to this effect should be given.

White not technically glare, another source of light pollution from the proposed project potentially exists: the effect of headlights from vehicles exiting the garage to shine into the windows of the homes directly across the street along La Jolla Scenic Way.

- As previously mentioned, these homes sit below the street level of La Jolla Scenic Way by approximately 4-10 feet. This puts the level of the garage entrance somewhere between the first and second floors of the home, potentially exposing living rooms, dining rooms, and/or bedrooms to the sudden bright flare of vehicular headlights. That the Applicant proposes large evening gatherings which would conclude after dark makes this a very real threat.
- Other sources of light pollution could also impact these homes, including bright interior lights within the facility (especially if a social event includes a strobe or other moving lights associated with dances or parties) and the glow from lights out of the garage entrance. Many large facilities leave lights on throughout the night for safety and security reasons. For safety reasons alone, it

Alex Varon, 9002:005 MND 301:40-0076, Project 149437 19/26

O-54 Refer to comment O-53.

O-55 Refer to comment G-7

O-56 There are conditions in the permit regarding project lighting which require that the project comply with lighting regulations in the Land Development Code. It is unlikely that any illumination from the subterranean garage would shed any light across La Jolla Scenic Drive North and into adjacent residences. is a near certainty that, given its subterranean nature, the garage will remain constantly

Any measures or promises made by the Applicant to mitigate for these effects, even if incorporated as permit conditions or deed restrictions, must be disclosed through the MND so that they may be properly reviewed and assessed by the public and interested agencies.

#### PARKING

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As previously noted, the EIS incorrectly states that "a previously approved traffic study, Traffic Generation, Site Access and Parking Evaluation of Hillel Facility at UC San Diego, dated May 11, 2004 was prepared for the proposed project by Kimley-Horn and Associates, Inc." (EIS page 4) This study was, in fact, prepared and approved for the previous project, Project No. 6098—the MND for which was set aside by the San Diego Superior Court. No indication is given that this report is valid for the current project, nor was it made known that the report might be publicly available either online (through the Applicant's own web page of the project's studies at <a href="http://wcsdhillel.org/project/">http://wcsdhillel.org/project/</a>) or for review in the offices of Development Services. (The EIS says, "This (referring to the report titled Traffic Impact Analysis, Hillel Facility referred to in the prior sentence) report is available for review in the offices of Development Services." [EIS, page 4], clearly indicating the existence of one—and only one—report on the subject.)

As the MND determines the proposed project's parking to be one of two areas that "could have a significant environmental effect" (MND, page 1), it is disappointing that such confusion could arise

The public's Inability to access the study prepared for Project 6098, whether in actuality or through dissuasion by the failure to disclose the report's availability, either confirms the invalidity of the report for the current project or represents a severe breach of public disclosure, the result of which is to restrict the public's ability to consider the adequacy or completeness of the environmental document.

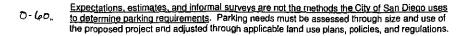
Numerous references are made to the number of parking spaces required for both phases of the proposed project—for Phase I: MND (pages 7 and 8), EIS (pages 2 and 5, and Figures 4 and 5), and TIA (page 4); for Phase II: MND (pages 6 and 7), EIS (pages 3, 5, and 6), and TIA (pages 4, and 43)—but little indication is actually given as to how these numbers are reached other than through inference by the number of expected visitors to Phase II, the proposed student center.

The validity of the numbers used for parking demand is, in fact, extremely dublous. The EIS refers to sources such as "a survey of existing traffic generation at three Hillel properties at other UC campuses, a survey of students attending Shabbat at the existing Hillel facility at UCSD and a profile of Jewish students at UCSD" (EIS, page 4) being used to "determine the traffic generation and parking demand expected by the proposed project" (EIS, page 4). These sources, however, are nowhere to be found in the current traffic study, nor do they have any value in calculating parking capacity as required through local land use plans. (TIA, Appendix K, does contain a copy of a single page from the study done for Project 6098; however, that page only includes a survey of vehicle occupancy rates from other parts of the country and no evidence is presented that any of the locations cited bear any resemblance to the uses or the site of the proposed student center.)

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O-57 The MND has been revised to replace the word "proposed" with "previous". O-58 Refer to comment B-2 and B-13. O-59 References to other Hillel facilities have been struck from the MND, traffic discussion.



According to the LJSPDO, the "off-street parking requirements for two or more uses on the

same premises shall be the sum of the requirements for each use computed separately" (LJSPDO, 1510.0401(e)) and in "computing the required number of off-street parking spaces, a remaining fraction of 0.5 or more shall be deemed a whole unit of measurement; a remaining fraction of less than 0.5 may be disregarded." (1510.0401(g)) This means that all uses for the proposed project must be considered cumulatively, regardless of timing or predominance, and that fractions be rounded to the nearest integer.

The San Diego Municipal Code "establishes the ratio of required parking spaces to building floor area" (MC, 142.0530) through the use of tables such as 142-05B, 142-05C, 142-05D, 142-05E, and 142-05F. Furthermore, "Floor Area Includes Gross Floor Area plus below Grade Floor Area, and Excludes Floor Area Devoted to Parking" (MC, Table 142-05F) This suggests that the entire floor area—the building's square footage both above and below grade, excluding parking—be considered when performing calculations, not that the floor area be segmented according to specific use, unless specified.

Ut is clear, before even considering numbers, that 68 on-site parking spaces is a suspiciously low number, and even the addition of 67 off-site spaces (for a combined total of 135) still might not be enough.

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The nature of multipurpose rooms is that they may be used for multiple functions; seating is not fixed. This is born out by the Applicant's one claims to use "moveable seating." By definition, moveable seating is not fixed; therefore calculations must be made under this condition. Claims to the contrary are merely semantic exercises designed to circumvent City regulations. Such circumvention, if accepted in an environmental documents, could be construed to not only be a violation of City regulations, but also a violation of CEQA because it represents an attempt to skirt an "applicable land use plan, policy or regulation of an agency with jurisdiction over a project" (ISC, X.A).

An example of a valid method for calculating parking requirements is as follows: Using an extremely conservative approach, by limiting "assembly area" to strictly the multipurpose rooms, fourge, and foyer (ignoring the offices, computer room, library, restrooms, kitchen and storage rooms), limiting "floor area" strictly to above-grade construction (ignoring non-parking uses on the subterranean level), and restricting uses of the facility to just "and "administrative offices" ("religious use" is the justification for allowing the facility in a SF zone, while "administrative offices" are stated use for the functions in Phase I, which, it is fair to suppose, will be performed in Phase II), a minimum estimate yields:

- The Municipal Code says that for "Churches and places of religious assembly" (MC, Table 142-05F), parking spaces are calculated as "1 per 3 seats; or 1 per 60 inches of pew space; or 30 per 1,000 square feet assembly area if seating is not fixed" (MC, Table 142-05F). Using a very conservative estimate of a combined 6,000 square feet for the multipurpose rooms, founge, and foyer (all places where people may gather), 180 parking spaces are required for this use.
- Business and Professional Offices require 3.3 parking spaces per 1,000 square feet (SDMC, Table 142-05F), while the above-grade floor area of the building is

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| O-60 | Code.  |
|------|--|
| 0-61 | This is a misinterpretation of the code, as the Hillel facility is not a mixed use building. The Hillel project is a Separately Regulated Use per Table 142-05F in the SDMC. Parking requirements for Churches and places of religious assembly require parking of 1 space per 3 seats, 1 space per 60 inches of pew space, or 30 spaces per 1,000 s.f. of assembly area if seating is not fixed. By agreeing to a maximum occupancy capacity, the project provides 68 on-site parking spaces at ratio of 1 space per 3 seats which allows for up to 204 people as the maximum occupancy. Significant impacts to parking are mitigated by the measures outlin in Section V of the MND. |
| O-62 | This is a misinterpretation of the code, as a religious building is required to park only the main assembly space. All other uses within the building are considered accessory to the assembly space, and therefore not separately parked.   |
| O-63 | Refer to comment O-61.   |
| O-64 | By virtue of the 204 person maximum occupancy capacity based on the 68 on-sparking spaces, the size of the multi-purpose room does not affect the parking requirements. Refer to comment O-61.   |
|      |  |

O-65 Refer to comment O-61.

- approximately 12,100 square feet, leading to a result of 39.93 (rounded to 40) parking spaces.
- Because parking calculations for each use are cumulative (per LJSPDO), the required number of spots in this example is 220—85 more than on-site and off-site spaces combined.

It should be noted that the above example is conservative and is given only to illustrate the point that reliance on surveys for parking considerations fails to meet the criteria necessary to comply with City parking calculation regulations. A proper calculation—even limited to just these two uses—utilizing exact figures would likely result in a higher number of required spaces.

As discussed (see "Land Use," above), there are a variety of other uses that could arguably be applied in these calculations as well. The parking requirements for all uses are cumulative, without regard to when these uses are utilized. Parking for this facility is deficient.

Any reliance on parking requirements calculated by means other than those stipulated under the La Jolla Shores Planned District Ordinance, the San Diego Municipal Code, and other regulations or codes applicable to the site represents a gross subversion of the CEQA process. Not only would the use of out-of-compliance figures be a "conflict with any applicable land use plan, policy or regulation of an agency with jurisdiction over a project" (ISC, X.A), it would also "conflict with the goals, objectives and recommendations of the community plan in which [the project] is located" (ISC, X.B).

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Discussion regarding the parking requirements for Phase I also suffers from a loose interpretation of parking requirements. The EIS states, "The parking analysis indicates that the existing single family residence located at 8976 Cliffridge Avenue requires six parking spaces..." (EIS, page 5) This is incorrect, as the only valid traffic study, \*Traffic Impact Analysis, Hillel Facility, dated July 7, 2008, prepared by Linscott, Law and Greenspan (TIA), for Project No. 149437 (cf. "149437 or 6098?") only references parking for Phase I once, in the project description, as "the construction of the required parking in a temporary location" (TIA, page 4), and makes no mention as to the number of required spaces. No other reference to a parking requirement for Phase I is made in this document.

A requirement of six spaces for Phase I is correct ("Business and Professional Offices" require 3.3 parking spaces per 1,000 square feet; square footage of 8976 Cliffridge Avenue is approximately 1,740 square feet (http://www.zillow.com/homedetaiis/8976-Cliffridge-Ave/16834999\_zpid); 3.x (1740/1000)=5.742, rounded up to 6) only if the use of the single-family residence is illegally changed to offices (allowed only in Commercial zones under the LJSPDO, cf. "Land Use," above).

Discussion on the subject of parking in the initial Study must include a determination of just how the minimum number of parking spaces was determined, a satisfactory explanation of why the project should be allowed an exemption of applicable parking regulations, and tangible evidence as to why such a gross violation of applicable land use plans and requirements should be permitted. Omission of these aspects limits the Public's ability to consider and assess potential impacts created by the proposed and represents negligence on the part of the City in performing its duties of properly evaluating which environmental document should be used.

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O-66 The Hillel project provides parking calculations in accordance with Chapter 14, Article 2, Division 5, Table 142-05F of the San Diego Municipal Code. Refer to comment O-61.

O-67 The applicant will be required to obtain a building permit for 8976 Cliffridge Avenue to change the occupancy for the religious office/bible study use. Six parking spaces is the correct amount.

O-68 Refer to comment O-61.



The full number of conditions and mitigations (such as proposed limits on attendance, hours of operation, maintenance of so-called public amenities, etc.) is much greater than those that are mentioned in the MND. Some of these have been alluded to in either the EIS or supporting studies, and the intention to adopt others has been conveyed to City staff or declared in public hearings. Still others may not be uncovered until responses to these very comments are made available.

Specific conditions imposed by staff for the forward progress of the project are, indeed, mitigation measures designed to make the project align more closely to City codes or make the project more palatable in the review and hearing processes. Such conditions must be disclosed and justified in the MND, as they have a direct bearing on the project's possible impact to the environment and surrounding neighborhood.

At the August 28, 2008, hearing of the La Jolla Shores Permit Review Committee, Hillel indicated that they would attach all conditions and mitigations as restrictions to their property deed. While this sounds like a firm commitment to adhere to such limitations on the use of their facility, it also hides such measures from easy view and makes it that much more difficult for members of the community and public to review them (researching deed restrictions and other information is often the business of Title companies, not concerned citizens). In addition, the rendering of conditions and other mitigating measures as deed restrictions may also preclude the City from actively enforcing compliance short of initiating litigation.

Inclusion of such measures in the Site Development Permit (SDP) is another unsatisfactory possibility. The result of this practice, however, leads to the de-langing of Neighborhood Code Compliance's bite. Violations of conditions and mitigations must be individually and precisely enumerated and spelled out for sanctions to be applied, and any changes would require the arduous process of amending the SDP, possibly through the full land-use planning process.

Table 131-04B requires that "Churches & Places of Religious Assembly" (MC, 131.0422, Table 131-04B) have a Conditional Use Permit (CUP) to operate in a SF zone, yet no CUP is listed as a requested permit in the subject section of the EIS. Why not?

A CUP would not only serve as place to consolidate many of the conditions and other mitigation measures that the proposed project requires, but would also serve as an effective tool to provide adequate enforcement of violations and protect the neighborhood from possible abuses. It is easier to amend and to monitor. It also has the added incentive of actually complying with City regulations.

The lack of a CUP, as with so many other points, is inconsistent with the applicable land use plans and policies with jurisdiction over this project. This inconsistency must be addressed and justified in discussion with regard to ISC X.A.

#### **ERRATA**

0.71.

(in no particular order)

"The proposed subterranean garage would total 17,000 square-feet." (EIS, page 2)
 "Proposed grading would consist of 8,000 cubic yards of cut and 4000 cubic yards of fill with a maximum depth of cut of 10 feet." (EIS, page 3)

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MNU JCL 43 0276, Project 149437

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O-69 No Conditional Use Permit is required for the proposed use on the project site. All mitigation measures specified in the MND are included as conditions of the Grading permit and the Site Development Permit (SDP). Limits on attendance, hours of operation, etc. are included as conditions of the SDP. O-70 The applicable code section is 1510.0303(e), La Jolla Shores Planned District, SF-Single-family zone permitted uses: Churches, temples or buildings of a permanent nature used primarily for religious purposes. No Conditional Use Permit is required.

O-71 Refer to comment O-70.

- MND JO: 421438 for Project 6098 claimed, "The proposed subterranean garage would total 17,000 square-feet" (EIS 6098, page 2) and that "Proposed grading would consist of **7,000** [emphasis added] cubic yards of cut for a maximum depth of cut of 10 feet" (EIS 6098, page 3). PLEASE EXPLAIN THIS DISCREPENCY, SINCE THE FOOTPRINT AND THE DEPTH OF THE GARAGE HAS NOT CHANGED.
- 2. "Approximately 7,600 cubic yards of material will be exported offsite." (EIS, page 3)

  MND JO: 421438 for Project 6098 claimed, "Approximately 5,950 [emphasis added] cubic yards of material will be exported offsite." (EIS 6098, page 3) PLEASE EXPLAIN THIS DISCREPANCY.
  - "There are no sidewalks surrounding the existing property along La Jolla Village Dr., La Jolla Scenic Way, and La Jolla Scenic Dr. North. All sidewalks are proposed ROW Improvements." (EIS, Figure-2)
     This is incorrect. The La Jolla Village Drive Widening Project, carried out by the City from 2004 to 2006, included the installation of a pedestrian sidewalk along the south edge of La Jolla Village Drive (Fig.##).

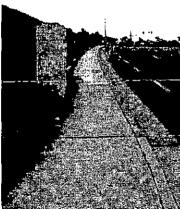


Figure 15: Sidewalk along northern boundary of the site, looking west along La Jolla Village Drive

- TIA section 3.0, "Existing Conditions" (TIA, page 6), fails to list La Jolla Scenic Drive North as part of the existing street network.
  - The traffic study does not account for hazardous traffic conditions created by the proposed project (such as cars queuing to enter the garage and possibly spilling into the intersection of La Jolla Village Drive and La Jolla Scenic Way) and the potential impacts these may have on traffic flow.

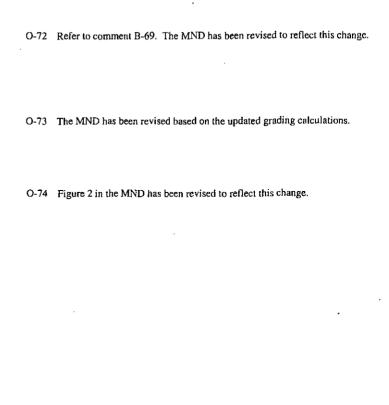
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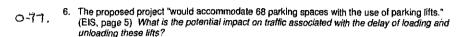
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- O-75 La Jolla Scenic Drive North will been added to the existing street network description in the Traffic Impact Analysis.
- O-76 Refer to comment A-4.



O-78.

7. Are parking lifts even allowed as mitigation for parking deficiencies? The student center is not a residential use, so the facility does not qualify for residential tandem parking even if it were in the Residential Tandem Overlay Zone (MC, 132.0905, diagram 132-09B).

8. Traffic study claims that the intersection of La Jolla Scenic Drive and Caminito Deseo "was specifically analyzed in this study" (TIA, page 23), yet it indicates that this intersection was "not analyzed during the AM ... and PM ... peak hours." (TIA, page 7) This contradiction was explained by way of claiming that these are not "exit" times from the facility; however, the study falls to account for overspill traffic attempting to navigate to off-site parking.

9. The suggested U-turn at Caminito Deseo has a short queuing lane (two-three vehicles), lies just past a merge from two lanes to one lane, and requires turns into opposing traffic which is frequently exceeding the posted speed limit by a considerable margin. How does Hillel propose to mitigate for the traffic hazards of dumping a large crowd of vehicles into this situation during a relatively short period of time (when festivities end)?

O-51. 10. Bulk & Scale: How can a 12,100 square-foot structure considered to be on the same scale as 1,500-3,500 foot homes?

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11. Bulk & Scale: How can a 20-plus-foot structure silting atop a 14-foot high slope be considered to match the character of a single-story building?

12. How can an unwritten Transportation Demand Management Plan (TDMP) be considered an acceptable mitigation measure for traffic and parking? The Public's ability to consider and assess the projects potential impacts and the adequacy of mitigation measures is legoardized by the inability to review such a document.

#### CONCLUSION

Mitigated Negative Declaration JO: 43-0276, Project No. 14943 is the result of a rush job and, in its current form, is an insult to concerned citizens and the public as a whole. Inaccuracies, outdated references, and confusion between the actual project and a prior, court-rejected project are obvious. This is likely the result of applied political pressure and the Applicant's eagerness to game the system by moving the process forward as quickly as possible. Unfortunately, the message that comes across is one of arrogance and willful disregard for City regulations and neighbors of the site who are rightfully concerned with the range of impacts such an institutional facility could have on the single-family neighborhood.

The confusion is so great and the errors so numerous, in fact, that it is nearly impossible for members of the public to fairly and accurately gauge and consider the true scope of potential impacts that this project represents. Out-dated maps, references to reports that were issued for a different project, and the reliance on unsubstantiated facts and numbers all suggest that this environmental document, at the very least, is in need of major corrections and should be re-circulated for public review.

e-85. It is clear that, from the outset, no environmental document other than a Mitigated Negative Declaration was ever considered for this project. Examples can be found that demonstrate

Alex Varon, 9/3/2000 MND JCF 43-0276, Project 1/19437

- O-77 Refer to comment A-4.
- O-78 Parking lifts qualify as a legal parking space. Parking lifts are not considered tandem parking spaces.
- O-79 A full analysis of project traffic utilizing off-site parking lots was included in the traffic study (Figure 13-1). Refer to comment H-15.
- O-80 Refer to comment H-15.
- O-81 Refer to comment H-2.
- O-82 Refer to comment H-2.
- O-83 The TDPM Plan has been completed and approved by staff. It is not within the purview of the public to determine if CEQA mitigation applied to the project is adequate.

- O-84 Comment noted.
- O-85 Refer to comment B-1.

inadequate study or discussion of issues that may be the source of major impacts. Glaring ornissions are also apparent. Staff's rote checking of the "No" column in the Initial Study Checklist is painfully obvious when the actual facts are considered. (Despite being singled out as a major potential impact with needed mitigation, even items on parking were all checked "No.") Too many "yes" or "maybe" checks might have meant, at best, a delay in pushing the document out quickly and, at worst, necessitated the drafting of a full Environmental Impact Report.

The State of California Governor's Office of Planning and Research CEQA Technical Advice Series states that "if a fair argument can be ralsed on the basis of 'substantial evidence' in the record that the project may have a significant adverse environmental impact - even if evidence also exists to the contrary - then an EIR is required." ("Fair Argument," <a href="http://ceres.ca.gov/ceqa/more/tas/mit neg dec/neg decs.html">http://ceres.ca.gov/ceqa/more/tas/mit neg dec/neg decs.html</a>) It goes on to say, "substantial evidence includes "facts, reasonable assumptions predicated upon facts, and expert opinion supported by facts." Further, "A mitigated Negative Declaration applies when changes to the project or other mitigation measures are imposed which such that all potentially significant effects are avoided or reduced to a level of insignificance."

The fact that my comments (and those, I am sure, of others) rival the draft document in length is only one testament to the concerns with which neighbors hold the project's potential impacts. That the issues raised are not merely breezy comments or unsupported allegations speaks to the very real possibility that not all impacts have been adequately considered, mitigated for, or properly addressed. Respectfully, I submit that the points raised here meet the "substantial evidence" criteria mentioned above and, further, that an Environmental impact Report is necessary to fully examine and evaluate the full breadth of potential impacts posed by Hillel's proposed student center.

Lexpect that many of my comments will be met with the usual litary of bland and inscrutable responses such as "Comment noted" and "No comment is necessary," and that some will not be responded to at all. This would be a shame, for it not only represents an apparent tack of respect for the review process, it would also demonstrate an abrogation by the City of San Diego in its responsibility to uphold the law and serve and protect its citizens to the best and utmost of its ability.

Sincerely.

Alexander Varon

Alex Marou, 9/28/1007 MINIT ID 10/276 Project 149/137

26/26

O-86 Refer to comment B-1.

### COMMENT LETTER P



To: DSDEAS@sandiego.gov Subject: Project no.149437

Comments on Draft Mitigated Negative Declaration JO: 43-0276 September 03, 2008

Ms. Allison Sherwood Environmental Planner City of San Diego Development Services Center 1222 First Avenue MS 501 San Diego, CA 92101

Dear Ms. Sherwood:

I submit that the DMND of August 14, 2008, if approved, would improperly permit "the phased development of Hillel of San Diego including a public right of way vacation, easement dedications and easement abandonment," and improperly allow "the continued operation of administrative offices in the existing single family residence at 8976 Cliffridge Avenue."

The DMND seriously underreports the significance of this project's negative impact on the immediate environment, as well as the precedent it would set for future projects to impose further negative impacts. I firmly believe that the City of San Diego, respected City Councilmembers, and the Development Services, need to reassess the provisions and mitigations in this report and deny the application, based upon the failings of the proposal.

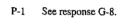
#### DEFINING THE NATURE AND PURPOSE OF THE FACILITY:

The La Jolla PDO allows for buildings within a Single-Family Residential Zone when they are used <u>primarily</u> for religious purposes. The proposed Student Center is primarily a social and cultural facility. The fact that it is sponsored by a religious group, and that it has occasional religious services, does not equate to being primarily a religious facility. Its title alone -- Student Center - makes this clear. It does not purport to be a Synagogue or Temple, and its activities are primarily designed to bring students and faculty together through social and cultural programs, as is the case at all other Hillel Student Centers. Therefore it does not comply with the PDO.

#### ZONING ISSUES:

P-1

- Given that spot-zoning is illegal, by changing the zoning of the proposed Hillel property to Mixed-Use from Single-Family Residential, there is an implication that the whole neighborhood can be vulnerable to similar conversion.
- P-3 Given that the Student Center will have kitchen facilities that can and will prepare meals for large numbers of people at various events, and that attendees would be expected to



- P-2 The project does not propose to rezone the property. The proposed use is consistent with the underlying zone.
- P-3 See response G-8.

pay for their meals, it might even be valid to consider, and rezone, this property to be Commercial Use. If that's the case, there is an implication that the whole neighborhood can be vulnerable to similar conversion.

Even if full-scale neighborhood conversion to either Mixed-Use or Commercial Use is not the case, rezoning of this property will open the door to similar applications by other entities, University or otherwise; the neighborhood character would be increasingly compromised, and the impacts on individual homes would be deleterious.

In the event that the Student Center were to outgrow this space, and that it were to move elsewhere within even a decade, the rezoning would enable other institutional or even commercial businesses to make use of the facilities

#### ACCOUNTABILITY AND MONITORING:

P-4

2.5

Accountability and monitoring for the long-term is a major issue. The three-year self-monitoring stipulation is grossly inadequate. The DMND does not take into account that there is no formal Conditional Use Permit, only a cobbled list of unenforceable and not legally permanent "conditions" proposed by Council Chairman Peters, who has been clear in his support for the project, as a palliative measure during a contentious City Council hearing. Impacts on the neighboring area stand to be forever; individual students and even staff and Board members are in place for the short term, but residences remain there in perpetuity. After the first years, once the programs are in full sway and the building is fully completed, any incentives to comply with accountability promises will diminish if not disappear altogether.

The DMND fails to note the fact that Hillel has frequently revised its projections in public presentations since the first Council presentation in November of 2000 and that this raises doubts about predictability and accountability in the future. Hillel has repeatedly revised <u>upwards</u> over time the number of expected attendees for all weekly events including Friday nights and for special events, and increased the overall size of the project significantly. Purported parking agreements presented to the Planning Commission were found to be misleading and non-binding. Promised shuttle service agreements have foundered, and even should they be procured would be of little use for students coming from far and wide both on campus and off campus at night. Thus the impacts on the neighborhood environment have not been sufficiently specified and quantified and they stand to be significant.

The DMND appears to forgive the fact that for four years Hillel has continued to use a single-family house as a central office for all San Diego Hillel constituencies — not solely UCSD students and faculty — without having received proper permits, and in violation of a PDO that forbids conversion of residences into offices. It stands to reason, despite statements that only UCSD students will be served, that the Student Center will draw from students at San Diego State and the City and County colleges for various events and holiday services. The impact on car and foot traffic is at this time inestimable. Even at UCSD, the campus growth projections will increase student enrollment significantly over

See response G-8 A Conditional Use Permit (CUP) is not required as the use is allowed by the La Jolla Planned District Ordinance (LIPDO). The mitigation outlined in the Transportation Demand and Parking Management Plan (TDPM) is appropriate mitigation and mitigates the parking impact to below a level of significance. Condition No. 43 of the Site Development Permit limits the capacity at 204 people and 400 people for "occasional special events." An "occasional special event" is any event attended by more than 204 people. The MND serves as a document that outlines all the analysis for environmental issues along with any mitigation for a proposed project. A code violation for the

subject site is being handled through Neighborhood Code Compliance (NCC).

the next ten years, and thus will impact Hillel attendance figures and the impact on the neighborhood environment.

Given that students will therefore arrive from scattered parts of campus and from other campuses, if they are not to park in neighborhood streets then specific and permanent offsite parking and shuttle plans must be required. At this time the DMND provides no assurance that guaranteed, dedicated parking spaces off-site have been officially and legally secured for the existence of the Center. No shuttle service is contracted to be available at specific hours, for guaranteed numbers of trips to and fro, on specific dates, and for a specific number of years into the future, nor has it been clarified who will pay the bill for the long term.

Similarly the DMND fails to recognize the impact of Hillel's usage projections. Hillel has projected no more than 275 people for weekly events, and 500 for "special" events. These constitute a <a href="https://example.com/hullel-events-no-legal">https://example.com/hullel-events-no-legal</a> guarantee that any Student Center usage estimates proposed today will adequately represent the reality in coming years. The following factors speak to environmental impacts on the neighborhood:

Any event, planned or spontaneous, can be deemed "special" when it suits.
Without specifically naming and giving dates for these "special events" ahead of
time, the number of possible large events are in real terms unlimited. It would be
necessary to hold Hillel to an accountable number, and to guarantee a way to
monitor this.

P-10

P-11

P-12

- The potential occupant load for indoor events is 800. But people will also be
  using the outdoor patios, for unspecified activities and at unspecified hours. The
  patios provide accommodation for overflow from indoors or can be used for
  discussions or activities coinciding with though separate from the large gatherings
  indoors. There is no permanent provision that can assure monitoring or
  compliance.
- Even if there were no electronically amplified sound, when doors and/or windows are open the sound from activities indoors would impact the outdoors and funnel into the neighborhood. The more people present, the more "naturally" amplified the sound will be. Sound would carry outside the building and across to homes nearby. The DMND contention that noise levels, including patio use, would be undetectable and insignificant, therefore not requiring mitigation, flies in the face of current reality: noise from even single voices and two-person conversation often carries across and down the streets and is audible in nearby houses, especially during evening and night hours when homes are quiet indoors. The noise from 60+ cars leaving the premises shortly after events will compound existing levels of disturbing traffic noise. Beeping of electronic auto-locking devices will occur as event attendees come and leave when they choose to park on neighborhood streets despite advice not to do so; sensitive alarm systems will inevitably be triggered and continue unstopped for some time. Negative impact is

P-8 The mitigation for off-street parking becomes effective once attendance exceeds 204 people (the amount that on-site parking can accommodate). The mitigation is effective because the amount of attendance that can not be accommodated on-site would be adequately handled through the TDPM. The failure of acquisition of adequate off-site parking would limit the attendance to 204 individuals.

P-9 See response P-6.

P-10 In order to limit the number of "special events" ahead of time, the naming and exact dates do not need to be known at this time. The number of "special events" is not unlimited. Condition No. 64 of the SDP limits the number "special events" for the first twelve months to six. The number may be increased after the first year to a maximum of nine occasional special events per year with the approval of the Development Services Director.

P-11 See response P-6.

P-12 An acoustical analysis was prepared for the project (see Noise discussion in the Initial Study), which was prepared by a certified acoustician and used acceptable methodology. The formal analysis demonstrates that project implementation would not result in significant noise impacts. Refer to comment B-24.

unavoidable especially over the long term and when event attendees come from outside the local area.

- There is no guarantee that there will be no sleeping, eating, discussions or singing outdoors. In fact the likelihood is great, as for example in a Sukkah outdoors during the week of Sukkot an important tradition.
  - There is no guarantee concerning the level of outdoor lighting to be used at night
    on a long-term basis. Nor is there guaranteed specification of how many lights,
    how far apart, placed where along the building and/or the property perimeter
    across from homes, at what height, and at what voltage, whether the building is
    occupied or not.
- P-15
  There is no guarantee over the long haul concerning the actual hours of usage in all parts of the project, by office staff or small student groups or large gatherings.

P-14

P-16

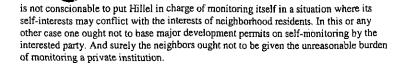
P-18

P-19

- There are statements but no guarantee that would preclude use by outside groups for either commercial purposes or non-commercial purposes, nor is there one that would preclude commercial usage by Hillel itself. It is a slippery slope to define "outside groups" given that members of Hillel's sponsoring organizations or Hillel members from other campuses might wish to use this facility. The facility would provide a very large, new, handsome space for all sorts of coordinated inter-organization activities. There is no guarantee about who would monitor this not just in the immediate future but in the long term.
- P-17
  There is no accountability for the location or numbers of "drop-offs", i.e. attendees let out of cars searching for local parking, on La Jolla Scenic North or on nearby streets -- in front of homes on Cliffridge, Nottingham, Robinhood, . Glenbrook, or the extensions into the cul de sacs at the ends of these streets.
  - There is no guarantee that food supplies and other deliveries, high-volume trash
    disposal or other services will not disturb neighbors at night or during the day.
    Homes begin at only 30-plus feet from the current edge of the property and these
    streets effectively funnel peripheral noise well into the neighborhood. Garbage
    and large delivery trucks can currently be heard blocks away, entering, operating
    and exiting their destination streets.
  - Hillel has stated that they will advise people not to park in the neighborhood. It is insufficient to state that individuals that fail to comply will be asked to move their cars or to leave the Hillel Center. There is no guarantee that this can be monitored. Advising is not ensuring, particularly for non-members who come to events. There is no way to distinguish visitors to Hillel events from invited guests at neighborhood homes, nor to police streets into the area for non-compliant cars.

In all these issues, the monitoring burden would fall upon neighbors, and the impacts of foot and car traffic, sound levels, light levels and more will be imposed upon residents. It

- P-13 It's assumed this comment relates to noise concerns, see response P-12. Additionally, it is unlawful to generate excessive amounts of noise. It is assumed that the occupants would comply with the law. Section 59.5.0501 of the SDMC regulates public nuisance noise.
- P-14 Outdoor lighting is regulated by §142.0740, which incorporates the State requirements in the State of California's Building Energy Efficient Standards of Title 24 of the California Code of Regulations, parts 1 and 6 [Title 24].
- P-15 Condition No. 41 of the SDP limits hours of operation.
- P-16 See response No. G-8.
- P-17 See response N-25. Additionally, if the intent of the comment concerns occupancy issues, see Condition No. 43.
- P-18 Noise issues related to deliveries, etc. are temporary in nature, occurring in short durations of time and would not be significant under CEOA.
- P-19 See response N-7.



#### OTHER LA JOLLA FACILITIES:

The DMND does not look beyond the immediate interests of the Hillel proponents to require Hillel to comply with the sensitivity and the constraints imposed upon similar local institutions. Environmental impacts, and good neighbor policies, have shaped the situating of other nearby facilities intended for even primarily religious use. Hillel's proposed situation and usage are far out of scale with them as well as with its intended neighborhood, and its consequent impacts are similarly out of scale with the single-family neighborhood of site 653.

- The <u>Church of The Latter Day Saints</u> in the La Jolla Farms area has only 4,000 square feet of meeting space even though it sits upon a full acre of land. It is <u>limited by a CUP</u> that allows a <u>maximum of 40 students</u> on the grounds at any one time, save for two meetings per year with a maximum of 100 students. Their CUP allows no <u>meals</u>, it must be <u>closed on weekends</u>, and the building is in <u>scale with the homes in the neighborhood</u>. Moreover, the property had originally been a farmhouse and was bequeathed to them long ago. The neighborhood grew up around them; they were not imposed upon a neighborhood.
- The University Lutheran Church is at Torrey Pines Road and La Jolla Shores
  Drive. Its capacity and use are limited by a CUP. The sanctuary is placed at the
  far end of the low-use single-level building where there are no adjacent homes.
  Facing homes are across a parking area and a wide major city road.
- The <u>Torrey Pines Christian Church</u> is buffered by <u>enormous parking areas</u> and a
  major city road with a treed central divider. Townhomes to its north and south
  were built after, not before, the Church itself, on land leased to them <u>by</u> that
  Church, so <u>incoming home-owners knew about high usage from the outset.</u>
- Temple Beth El is situated far down a slope, between major roadways, and is buffered from townhomes and detached homes to the north and south by significant yardage and steep grading.
- The <u>Good Samaritan Episcopal Church</u> on Eastgate Mall is <u>nowhere near private</u> homes; it's surrounded only by office and other commercial buildings. Even so, it is buffered by wide lawn and parking areas.

P-20 The purpose of the environmental analysis is to ascertain potential significant environmental impacts for the proposed project at the proposed site and incorporate mitigation, if necessary. Not requiring Hillel to "comply with the sensitivity and the constraints imposed upon other local institutions" does not invalidate the site specific analysis conducted for the proposed project due to differences in zoning, land use, natural topography, surrounding land uses, street configuration, etc.

Congregation Beth Israel, to the south-east of UCSD, directly across from University Town Center, is on a rise within a wide concrete buffer area all around. Extensive parking and completely internal public spaces protect nearby homes.

These are examples of high-use facilities that are <u>sensitive to impacts</u> on nearby populations. There are others. They all make good neighbors, as well as making appropriate use of their land.

#### TRANSPORTATION AND SAFETY ISSUES:

P. 21

P-72

P-23

The particular configuration of intersections (Torrey Pines, North Torrey Pines and La Jolla Village Drive) that encircle the proposed La Jolla property already has a record of all-too frequent traffic accidents and speeding citations that underscore this property's propensity to be at risk for accidents and injury. Adding, as the DMND states, even 114 and 216 average daily trips during the weekly Shabbat observances and the purportedly "infrequent" occasional events is to add 114 and 216 average daily trips too many. Consider the safety not only of motorists, but of students and residents who walk and drive in this area.

Additionally, the DMND places the garage entrance for the Hillel property in a location that will impede the heavy flow of traffic where cars turn from La Jolla Village Drive onto La Jolla Scenic Drive, and where, during the hours when Hillel's activities are likely to occur, the traffic tends to be particular heavy. Additionally, this garage entrance will require curb cuts which are against city ordinances for such a location where cars entering and exiting the facility will impede the flow of traffic. Congestion and potential accidents are particularly likely given the plan to stack cars within the facility, causing incoming cars to have to wait to enter the garage and taking by surprise oncoming cars turning the corner toward the garage entrance. This becomes both a legal violation and a safety hazard.

#### FURTHER HEALTH AND SAFETY ISSUES:

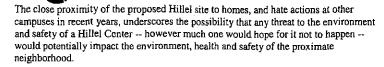
The DMND ignores or denies Hillel's awareness of potential risks and hazards when it contends that the proposal anticipates no hazards or future risks from such materials as chemicals, explosives or reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The fact is that the central Hillel website posted a manual a year ago, written by the Anti-Defamation League, entitled: Protecting Your Jewish Institution; Security Strategies for Today's Dangerous World. Its contents absolutely recognize future risks by including among other items:

- · Security in Jewish Communal Life: Building Consensus, Training & Preparedness,
- Explosive Threat Response Planning: Bomb Threats, Mail Bombs, Truck Bombs and Suspicious Objects,
- Armed Assaults and Suicide Bombers.
- · Considerations for Schools and Summer Camps, and
- Security for the High Holy Days and Other Special Events

P-21 See response O-36

P-22 See response A-5.

P-23 Speculative possibilities do not constitute substantial evidence and cannot trigger environmental review requirements.



#### OTHER UNIVERSITY OF CALIFORNIA HILLEL SITES:

P-24

The DMND refers tp a survey of 3 other Hillel properties at other UC campuses to inform its expected traffic impacts at the UC Hillel site. However these campuses are not named in the DMND, so the comparison is meaningless. Moreover, the locations of <u>all other UC Hillel facilities</u> are significantly different from the proposal being considered here, so foot and auto traffic have quite different impacts. All Hillel Student Centers, having been designed specifically for university students and faculty, not neighborhood residents, are high use facilities appropriately placed in mixed-use areas in order not to negatively impact low-usage Single-Family Residential neighborhoods. This is recognized by the existing University of California-associated Hillel Student Centers and by the cities that have granted them permits. They are all located in mixed-use and/or commercial areas. Specifically, they are as follows:

- Reutlinger Center, UC Berkeley: Bancroft Way. Surrounded by University
  buildings, International House, and fraternity houses, across from Boalt Law
  School and Simon Hall; Behind it: fraternities and a multi-residential apartment
  building. Mixed-use zone R-4-H, restricted by city codes, ordinances and
  community restrictions.
- Hillel Center at UCLA: 574 Hilgard Avenue: Bordered by Christian Counseling
  Center on one side and a large church and parking lot on the other.. Several-story
  apartment buildings continue along Hilgard Avenue. QR4-1-VL (multiple
  dwelling zone).
- Milton Roisman Hillel Center, UC Santa Barbara: Embarcadero del Mar, Isla
  Vista. Surrounded by multiple dwelling buildings. SR-H-20 special zone: part
  of the UCSB student community plan, under a conditional use permit per
  County of Santa Barbara.
- <u>Hillel center at UC Santa Cruz</u>: Cardiff Place off the High Street: sits between the commercial establishments of a 7-11 and a Slug Books. Commercial stripmall also includes a bank and parking for all these businesses. <u>Mixed-use zone</u>.
- <u>Hillel Center, UC Irvine:</u> 2250 East Baker Street, Suite F,Costa Mesa: Several
  miles from campus, accessible only by car. Shares large building in commercial
  area with other Jewish organizations. Huge parking lot. Surrounded by
  commercial and office buildings. Mixed-use zone.

P-24 Taking into consideration other institutions to derive an estimated demand along with polling of students at the UCSD campus is a reasonable means to estimate demand.

- Student Life and Leadership Center, UC Riverside: 244A Costo Hall which
  includes Hillel: situated right off campus Commons which houses offices and
  game rooms. Across from Physical Education Building. Mixed-use zone.
- Hillel center, UC Davis: 328 A Street: Downtown area of Davis, in a converted house, but in a Mixed-use area.

In sum, this DMND still insufficiently confronts many issues that require a proper Environmental Impact Report, as the Superior Court has already confirmed. For this reason, I strongly recommend that it not be approved.

Yours, Jessica Falikman Attiyeh 8961 Nottingham Place La Jolla, CA 92037 858-699-3269 City of San Diego Development Services Department ENTITLEMENTS DIVISION 1222 First Avenue, Mail Station 501 San Diego, CA 92101 (619) 446-5460

# INITIAL STUDY Project No. 149437

SUBJECT: HILLEL OF SAN DIEGO. SITE DEVELOPMENT PERMIT / PUBLIC RIGHT-OF-WAY VACATION / EASEMENT DEDICATIONS / EASEMENT ABANDONMENT (PROJECT NO. 6098) 149437) to allow the phased development of Hillel of San Diego. Phase I would consist of the continued operation of religious administrative offices in the existing single family residence located at 8976 Cliffridge Avenue. Phase II would consist of the construction of a new one-story, 12,100 square-foot religious student center building, above a 17,000 square-foot subterranean garage, on an existing adjacent vacant lot. The current vacant lot is bounded to the north by La Jolla Village Drive, to the east by La Jolla Scenic Way and to the south by La Jolla Scenic Drive and is approximately 15,350 square-feet. Project approval would allow approximately 19,719 18,168 squarefeet of land to be added to the existing site, for a total of an approximately 35,069 33.518 square-foot site. The project site is located within the Single Family Zone of the La Jolla Shores Planned District, Coastal Height Limit Overlay Zone, Campus Parking Impact Overlay Zone and the La Jolla Community Planning Area. Legal Description: Lot 67 of La Jolla Highlands Unit No. 3, in the City of San Diego, County of San Diego, Parcel Map No. 3528 and Portion of Lot 1299, Miscellaneous Map 36, Pueblo Lands, in the City of San Diego, County of San Diego. Applicant: Hillel of San Diego

## I. PURPOSE AND MAIN FEATURES:

The current proposal is a Site Development Permit / Public Right-of-Way Vacation/ Easement Dedication / Easement Abandonment, subject to City Council approval (Process 5), to allow continued operation of Hillel's administrative offices in the existing single family residence located at 8976 Cliffridge Avenue and the construction of a new one-story, 12,100 square-foot student center building, above a 17,000 square-foot subterranean garage, on an existing adjacent vacant lot, formerly known and as Site 653 and now owned by Hillel of San Diego. (Figure 1 and 2). A previous Mitigated Negative Declaration No. 6098 was prepared for a similar project on this site in 2005. The approval of this project would allow approximately 19,719 18,168 square-feet of land to

be added to the existing site, for a total of an approximately <u>35,069</u> <u>33,518</u> square-foot site. The project would be constructed in two phases with adequate parking provided during both phases (Figure 3).

The project proposes a street vacation, slope easement abandonment, right-of-way dedication, drainage easement dedication and utility easement dedication. The street vacation is proposed on a portion of La Jolla Scenic Drive North, along the south-southwestern portions of the site. The slope easement abandonment is proposed on La Jolla Village Drive and La Jolla Scenic Way, along the northern and eastern portions of the site. The right-of-way dedication is proposed on La Jolla Village Drive, along the northern portion of the site. The drainage easement is proposed on the southeastern portion of the site. The utility easement dedication is proposed parallel to La Jolla Scenic Drive North, in the southern and southwestern portions of the site (Figure 3).

Phase One of the project would include the interior improvements to the existing single family residence located at 8976 Cliffridge Avenue and construction of a parking lot to allow for off-street parking associated with the use of the single family residence. The exterior elevations of the existing residence located at 8976 Cliffridge Avenue would not change. There are two alternatives proposed for providing the required off-street parking spaces. Alternative one would provide six parking spaces, three standard spaces and one accessible space, in the vacated cul-de-sac adjacent to the existing single family residence and the remaining two spaces would be in the existing detached two-car garage on the lot (Figure 4). This alternative involves construction of temporary sidewalk and parking improvements in the vacated cul-de-sac/right-of-way. Alternative two would provide six parking spaces, five standard spaces and one accessible space, within the western portion of the existing site (Figure 5). This alternative would require the demolition of the existing detached 462 square-foot garage/storage area to provide adequate space for the cars on site.

Phase Two of the project would include the construction of a new one-story, student center building, above subterranean garage, with an overall height of 20°-4° 22'-0" from grade and would total 12,100 square-feet. The proposed subterranean garage would total 17,000 square-feet. The student center building would contain three multi-purpose rooms, a library, a lounge area, a computer room, student offices, administrative offices, an elevator, a kitchen, storage, two restrooms, and three outdoor patio areas.

The exterior elevations of the student center building indicate the use of earth tone colored stucco, stone cladding, masonry blocks, earth tone colored concrete, wood siding, dual-glaze windows, metal trellis, and metal roof. The project proposes the installation of photovoltaic panels on the roof in accordance with City Council Policy 900-14 for sustainable buildings.

The subterranean parking garage would be constructed in the second phase of the proposed project and be located directly beneath the proposed student center building. The entrance and exit would be located off of La Jolla Scenic Way. The garage would provide 68 parking spaces for cars (two spaces being handicap accessible), would include the use of parking lifts. The garage also includes a mechanical room, elevator, telephone cable room, service lobby and a trash/recycling area for a total 17,000 square-feet.

Proposed grading would consist of 8,000 9,200 cubic yards of cut and 400 cubic yards of fill with a maximum depth of cut of 10 15 feet. Approximately 7,600 8,800 cubic yards of material will be exported offsite. The project proposes seven retaining walls along the southwestern, northern and eastern portions of the site with a maximum height of seven feet.

Landscaping for the proposed project will consist of Torrey Pines, large screening shrubs, medium flowering shrubs, low spreading shrubs, low growing flowering shrubs, groundcover and hardscape areas. All proposed plants on the project site shall be native species. Torrey Pines are proposed along the property line for the project site. Large screening shrubs and medium flowering shrubs are proposed along the outside walls of the proposed building. A combination of groundcover, low spreading shrubs and low growing flowering shrubs are proposed along the proposed building and along the property line with the proposed Torrey Pines. Hardscaped areas are proposed on the north and south portion of the site.

## II. ENVIRONMENTAL SETTING:

The proposed development is located within the La Jolla Community Planning Area. The project site is within the Single Family Zone of the La Jolla Shores Planned District. The project site is located at 8976 Cliffridge Avenue and the existing adjacent vacant site which is bounded to the north by La Jolla Village Drive, to the east by La Jolla Scenic Way and to the south by La Jolla Scenic Drive. The project is surrounded on the south and east by residential properties and the University of California, San Diego campus to the north and west. The topography for the existing vacant site is relatively flat and gently slopes to the southeast with steeper grade along La Jolla Village Drive and La Jolla Scenic Way with a grade difference of approximately 14 feet.

III. ENVIRONMENTAL ANALYSIS: See attached Initial Study checklist.

## IV.DISCUSSION:

The following environmental issues were considered during review of the project and determined to be significant.

## Paleontological Resources

According to the Geology of San Diego Metropolitan Area, California (1975), published by the California Division of Mines and Geology, the project site is underlain by Scripps and Ardath Shale Formations (La Jolla Quadrangle). These geologic formations have produced diverse fossil assemblages of marine invertebrates and terrestrial vertebrates. The Scripps and Ardath Shale Formations are assigned high paleontological resource sensitivity (Deméré, August 1994).

The project proposes approximately 8,000 9,200 cubic yards of soil cut and grade cut depths of approximately 10 15 feet. According to the City's *Paleontological Guidelines* (July 2002), over 1,000 cubic yards of grading at depths greater than 10 feet into formations with a high paleontological resources sensitivity rating would constitute a potentially significant impact to paleontological resources, and mitigation would be required. The mitigation measures are outlined in Section V. of the attached Mitigated Negative Declaration. These mitigation measures would reduce potential paleontological resources impacts to below a level of significance.

## Transportation/Parking

A previously approved traffic study, Traffic Generation, Site Access and Parking Evaluation of Hillel Facility at UC San Diego, dated May 11, 2004 was prepared for the proposed previous project by Kimley-Horn and Associates, Inc., to analyze the potential impact of the project on the roadway system and on the on-street parking in the area. A new Traffic study was prepared for the current project, Traffic Impact Analysis, Hillel Facility, dated July 7, 2008, prepared by Linscott Law and Greenspan. This report is available for review in the offices of Development Services.

The proposed student center is expected to generate approximately 141 and 216 246 average daily trips during the weekly Shabbat observances. and infrequent occasional events respectively. Shabbat observances are held during the school year on Friday evenings and infrequent occasional events will occur a few times a year. The traffic and parking analysis evaluated the potential impact of both the Shabbat and infrequent occasional events. Due to the somewhat unique nature of the project, the following sources of information were consulted in order to determine the traffic generation and parking demand expected by the proposed project: a survey of existing traffic generation at three Hillel properties at other UC campuses, a survey of students attending Shabbat at the existing Hillel facility at UCSD and a profile of Jewish students at UCSD.

The following intersections and roadway segments were evaluated in the traffic analysis under a worst case scenario:

### <u>Intersections</u>

La Jolla Village Drive / Torrey Pines Road
La Jolla Village Drive / La Jolla Scenic Way
La Jolla Scenic Drive North / Cliffridge Avenue
La Jolla Scenic Drive North /La Jolla Scenic Way (during Midday and Evening peak hours)
La Jolla Scenic Drive North at Caminito Deseo (during Midday and Evening peak hours)

## Roadway Segments

Torrey Pines Road (South of La Jolla Village Drive)
La Jolla Village Drive (west of Torrey Pines Road)
La Jolla Village Drive (from Torrey Pines Road to La Jolla Scenic Way)
La Jolla Village Drive (East of La Jolla Scenic Way)
La Jolla Scenic Way (South of La Jolla Village Drive)

The traffic analysis indicates that the intersection of La Jolla Village Drive / Torrey Pines Road functions at level of service (LOS) "E" under the existing and cumulative project conditions during the PM peak hour. However, the project's impact at this intersection is less than significant and therefore, no mitigation is required. Additionally, analysis of long-term (year 2030) indicated no intersection which was analyzed in the traffic study would operate above LOS "E".

A pedestrian or "all walk" analysis was provided within the traffic study and showed that based on the location of the facility, field observations and pedestrian counts at these intersection, approximately 80 percent of the pedestrian movements were assumed to occur and the intersection of La Jolla Village Drive and Torrey Pines road and the remaining 20 percent were assumed to cross at the intersection of La Jolla Village Drive and La Jolla Scenic Way. All intersections continue to operate at LOS D or better except for the intersection of La Jolla Village Drive /Torrey Pines Road during PM peak hour, which operates at LOS E. The analysis results for the "all walk" scenario are virtually the same as compared to the base analysis which assumes the expected drive/walk split based on the planned 68 parking spaces.

The parking analysis indicates that the existing single family residence located at 8976 Cliffridge Avenue requires six parking spaces as administrative offices and the required parking would be provided as outlined in one of the alternatives discussed earlier in this

document. The student center building is expected to have a parking demand of 38 parking spaces during Shabbat services. The proposed project would construct a subterranean garage which would accommodate 68 parking spaces with the use of parking lifts. The proposed entrance and exit would be located on the southeastern portion of the property on La Jolla Scenic Way. The proposed driveway on La Jolla Scenic Way would result in removal of approximately three on-street parking spaces. The proposed street vacation of the cul-de-sac located at the west end of La Jolla Scenic Drive would result in the removal of approximately twelve on-street parking spaces, for a total loss of 12 to 15 8 on-street parking spaces. It is reasonable to assume that a relatively small number of vehicles will park on nearby streets even if there are spaces on the site. This spillover could be accommodated along the roadways adjacent to the site.

During occasional events, the increased parking demand would be expected to exceed the available on-site parking supply by up to 75 spaces. In order to minimize impact on neighborhood streets, Hillel proposes to implement Transportation Demand Management (TDM) measures. These measures include the following:

- \* Provide staff at both Hillel facility and the off-site location to monitor parking for occasional special events.
- \* Publicize the availability of off-site parking and transportation prior to the occasional special events
- \* Annual post-occupancy parking demand study shall be conducted by the applicant for Shabbat services and occasional special services for 3 years after the facility becomes operational, satisfactory to the City Engineer. If post occupancy study indicates need for additional off-site parking, then the applicant shall secure the additional needed parking spaces, satisfactory to the City of San Diego. If post occupancy study indicates that the project has no need for the required off-site parking spaces, then those spaces do not need to be provided. The parking demand study should also include an annual summary of the type and frequency of the events that take place at the student center facility. The parking demand study should also monitor the use of the on-street parking in the vicinity of the project and eliminate any adverse impact of the project on the on-street parking.

The project will provide an additional 67 off-site parking spaces through a shared parking agreement for weekly Shabbat services and an additional 75 off-site parking spaces through a shared parking agreement for special events. The 67 and 75 off-site parking spaces shall be available from 1 hour prior to the event until 1 hour after each Shabbat Service and special event. The student center will provide a shuttle service between the off-site parking location(s) and the facility for both weekly Friday Shabbat services and

the occasional special events. During such events, signs will be placed and maintained in front of the project clearly indicating available parking spaces at the off-site location(s). Signs will be provided at the entrance of the off-site parking location(s) clearly indicating that parking spaces are available for the student center activities.

The measures within the TDM and project features related to parking identified above are incorporated into the project as mitigation measures. The mitigation measures are outlined in Section V. of the attached Mitigated Negative Declaration. These mitigation measures would reduce potential parking impacts during special events to below a level of significance.

The following environmental issues were considered during review of the project and determined to not be significant.

## **Archaeological Resources**

The project site is located in an area of high cultural and historical resource sensitivity. As a result, an archaeological site survey was submitted by the applicant. A report titled A Cultural Resources study for The Hillel of San Diego Project, La Jolla, City of San Diego, dated January 16, 2008, was prepared by Brian F. Smith and Associates and is available for review in the offices of Development Services.

A previous survey and testing program was conducted in September, 2003 by Brian F. Smith and Associates. That study included a literature review and record search from the South Coastal Information Center, San Diego State University and the San Diego Museum of Man, and a field survey of the vacant parcel. The study was conducted in compliance with City of San Diego and California Environmental Quality Act (CEQA) requirements. Subsurface testing was performed on the vacant parcel by excavating 20 shovel test pits across the entire project area. The shovel test pit dimensions measured 50 centimeters by 30 centimeters and were excavated to a total depth of 50 centimeters or until native sterile soils were encountered. Limitations on the project site included site disturbances resulting from previous grading activities and the dumping of trash and gravel within the project area.

The report concluded that three isolated artifacts observed on the surface of the parcel were mapped and collected. The artifacts consisted of three small pieces of lithic production waste. In addition to the isolated surface artifacts, a very sparse scatter of less than ten small pieces of marine shell was observed on the surface of the parcel. The excavation of the shovel test pits demonstrated that the soils on the property are mixed and heavily disturbed. No cultural resources were recovered from the shovel test pits, as many of the excavations contained pieces of modern trash.

The current report included a survey of the entire parcel including the participation of a Native American monitor, a representative of the Kumeyaay Nation. Additionally, the report included a search of the Sacred Lands File as requested by the Native American Heritage Commission to identify any cultural resources within, or in close proximity to the project area. The search failed to indicate the presence of cultural resources any sites listed on the Sacred Lands file within a one-mile radius of the project. The report concluded that no significant cultural resources are present on the project site. Therefore, the proposed project would not result in a significant archaeological impact and no mitigation is required.

## **Biological Resources**

A portion of the project site is undeveloped, with a proposal to develop most of the approximately 0.81 acre site. The site is not part of or adjacent to the City of San Diego Multiple Habitat Planning Area (MHPA). However, since the existing site is vacant and has not previously been developed, an update to the previous biological survey letter report dated 2004 was required to determine potential biological impacts resulting from the proposed development. The results of the updated survey is presented in a letter survey report entitled Results of a Biological Survey of the Hillel Site in the Community of La Jolla, San Diego, California, dated December 18, 2007. The report was prepared by RECON and is available for review in the offices of Development Services.

The biological field survey included vegetation mapping and sensitive plant species assessment, and a general wildlife survey. No sensitive plant species, sensitive vegetation communities, narrow endemic plant species, or sensitive wildlife species were observed on the property. With the exception of one Eucalyptus tree, two ornamental pine trees and one Fan palm tree the entire site is disturbed. Therefore, the proposed project would not result in a significant biological impact and no mitigation is required.

## **Noise**

The project site is exposed to traffic noise from La Jolla Village Drive, La Jolla Scenic Way, and North Torrey Pines Road. Two previous noise reports were prepared for the project site. The reports are titled Noise Analysis, Hillel of San Diego, San Diego, California, dated October 20, 2003 and Noise Analysis, Hillel of San Diego, San Diego, California, dated April 26, 2004. Both reports were prepared by URS Corporation. The applicant submitted an updated Noise report, Noise Technical Report for the Hillel of San Diego Project, dated July 10, 2008, prepared by RECON, which is summarized herein.

The primary existing noise sources at the site are traffic noise from La Jolla Village Drive, La Jolla Scenic Way, and North Torrey Pines Road. Existing conditions include noise readings of 67.4 dB associated with La Jolla Village Drive, 61.2 dB from La Jolla

Scenic Way, and a 70.9 dB CNEL associated with North Torrey Pines Road. The future exterior noise associated with the traffic would exceed 65 dB for the entire site.

The project includes three outdoor patio areas which are located in the south, southwest and northeast portions of the project site. The future noise levels in the south and southwest patios would not exceed 70 dB CNEL. The future noise levels in the northeast patio would be approximately 71 dB CNEL, which is 1 dB over the maximum allowable noise level of 70 dB CNEL. The difference of 1 dB in the northeast patio that would be unmitigated, is an amount that is undetectable to the average human ear. In addition, the northeast patio is not a required outdoor space by the City of San Diego and the patio would be used in a limited capacity. Therefore, the proposed project would not result in a significant noise impact and no mitigation is required.

## Water Quality/Hydrology

A Water Quality Technical Report was prepared for the previous project by Nasland Engineering (December 22, 2003) to analyze water quality impacts associated with the proposed project. A new report was for the current project, also prepared by Nasland Engineering (May 22, 2008). This report presents which Best Management Practices (BMPs) will be utilized pre- and post-construction and also provides a long-term solution to water quality.

The proposed project is located in the Penasquitos Watershed and in the Scripps Hydrologic Unit (906.30) and is a tributary to the Pacific Ocean. The project drains south/southwesterly into an existing curb inlet which is connected to an 18-inch storm drain line branch of the Scripps basin. The proposed project will improve current drainage conditions by adding a CDS or in-line treatment unit before discharging into the existing 18-inch storm drain within La Jolla Scenic Way. The proposed project would reduce the amount of impervious area with the proposed street vacation of the La Jolla Scenic Drive cul-de-sac. The project has been divided into four drainage basins for the proposed student center building project. The proposed project will not impact the existing storm drain system or neighboring properties. Post-construction runoff will be directed into the existing drainage system or any new segments of the onsite drainage system.

The project site will incorporate source control BMPs to include reduction of impervious areas, slope protection via landscaping, materials storage, trash storage and efficient irrigation. Structural treatment BMPs will be used to treat storm flow of the developed area to include filtration systems. The report concluded that utilizing in-line treatment units as discussed within the report with the proposed site design and source control BMPs, the proposed construction and post-construction BMPs address mitigation measures to protect water quality.

Prior to the issuance of any construction permit, the applicant shall incorporate and show the type and location of all post-construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report. BMPs shall include the use of site design control, source control, and filtration systems, as detailed in Water Quality Technical Report, for the Discretionary Permit of Hillel Center of U.C.S.D. at 9000 La Jolla Scenic Way, San Diego, California 92037, May 22, 2008, prepared by Nasland Engineering. All permanent BMPs shall be maintained in accordance with the applicable manufacturer specifications. Spot checks may be made by the City Engineer to ensure that BMPs are being properly maintained. These measures will ensure that impacts to Water Quality are reduced to below a level of significance.

#### V. RECOMMENDATION:

On the basis of this initial evaluation:

- The proposed project would not have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.
- Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in Section IV above have been added to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.
- The proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT should be required.

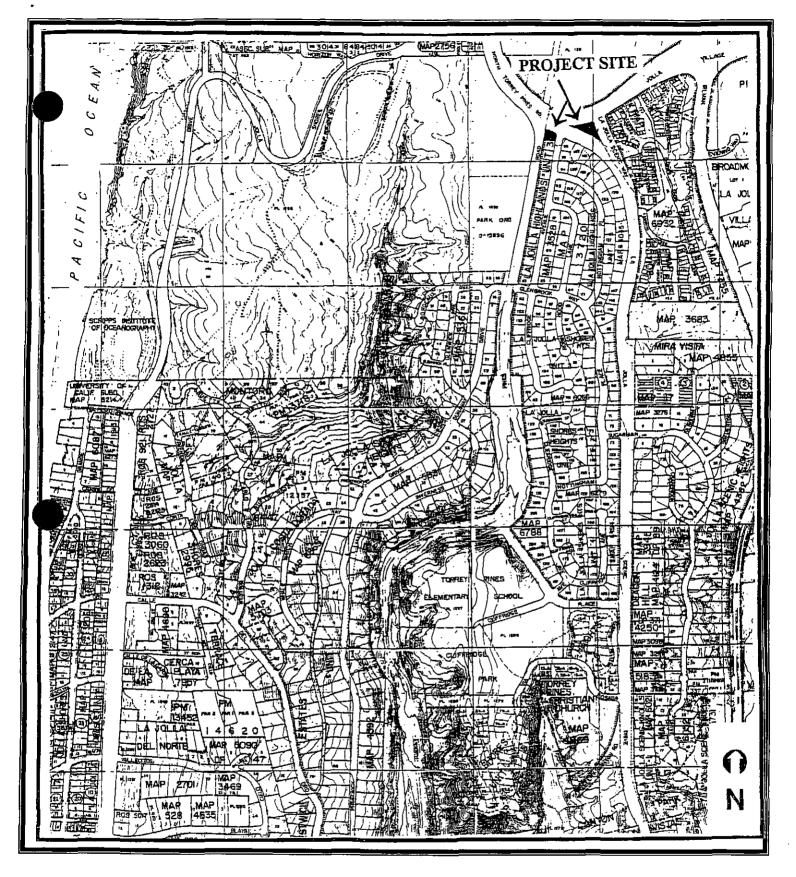
PROJECT ANALYST: Sherwood

Attachments: Figure 1 – Location Map

Figure 2 – Existing Site Plan Figure 3 – Proposed Site Plan

Figure 4 – Phase One – Parking Alternative One Figure 5 – Phase One – Parking Alternative Two

Initial Study Checklist



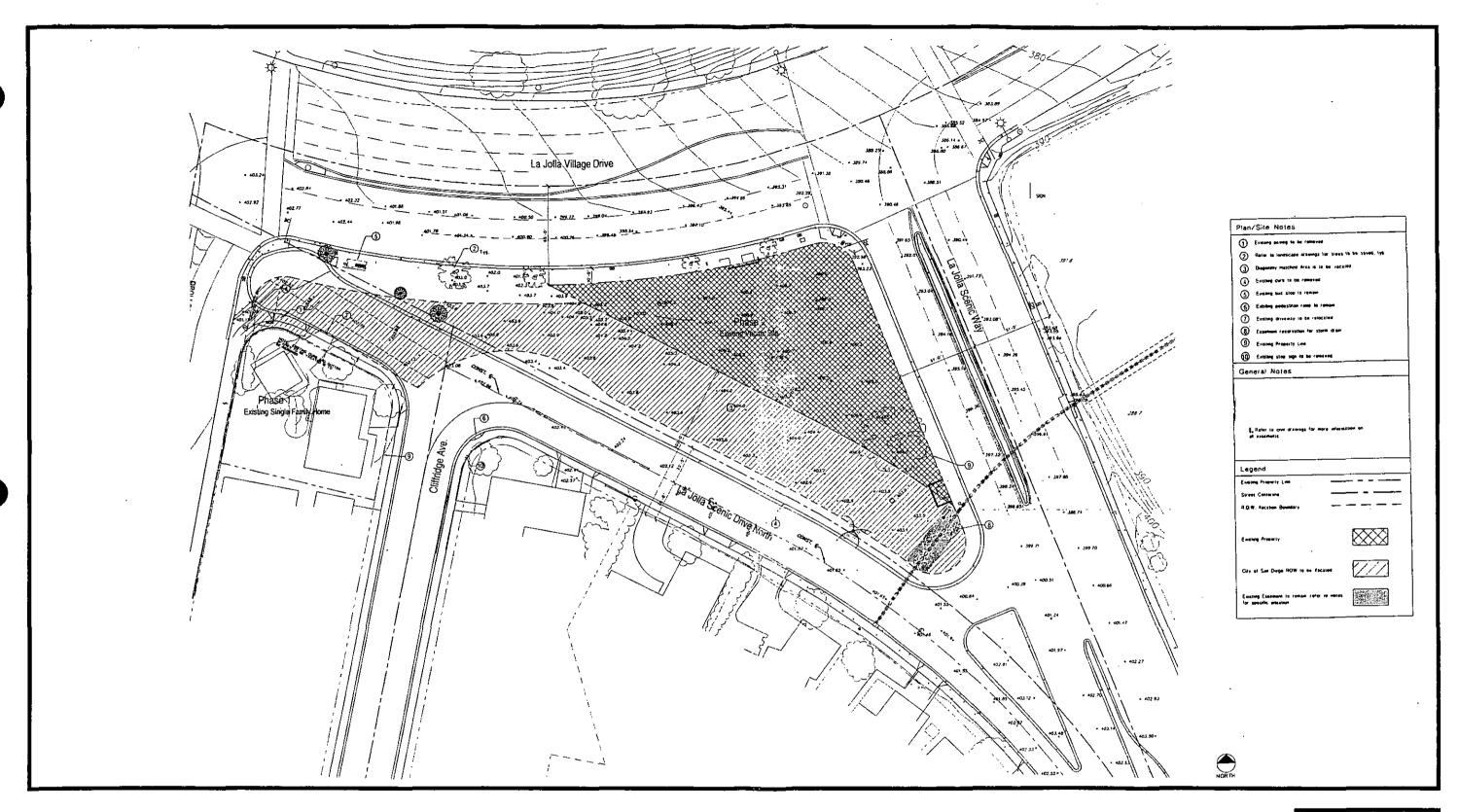
# Hillel of San Diego



## **Location Map**

Environmental Analysis Section Project No. 149437 CITY OF SAN DIEGO · DEVELOPMENT SERVICES **Figure** 

1



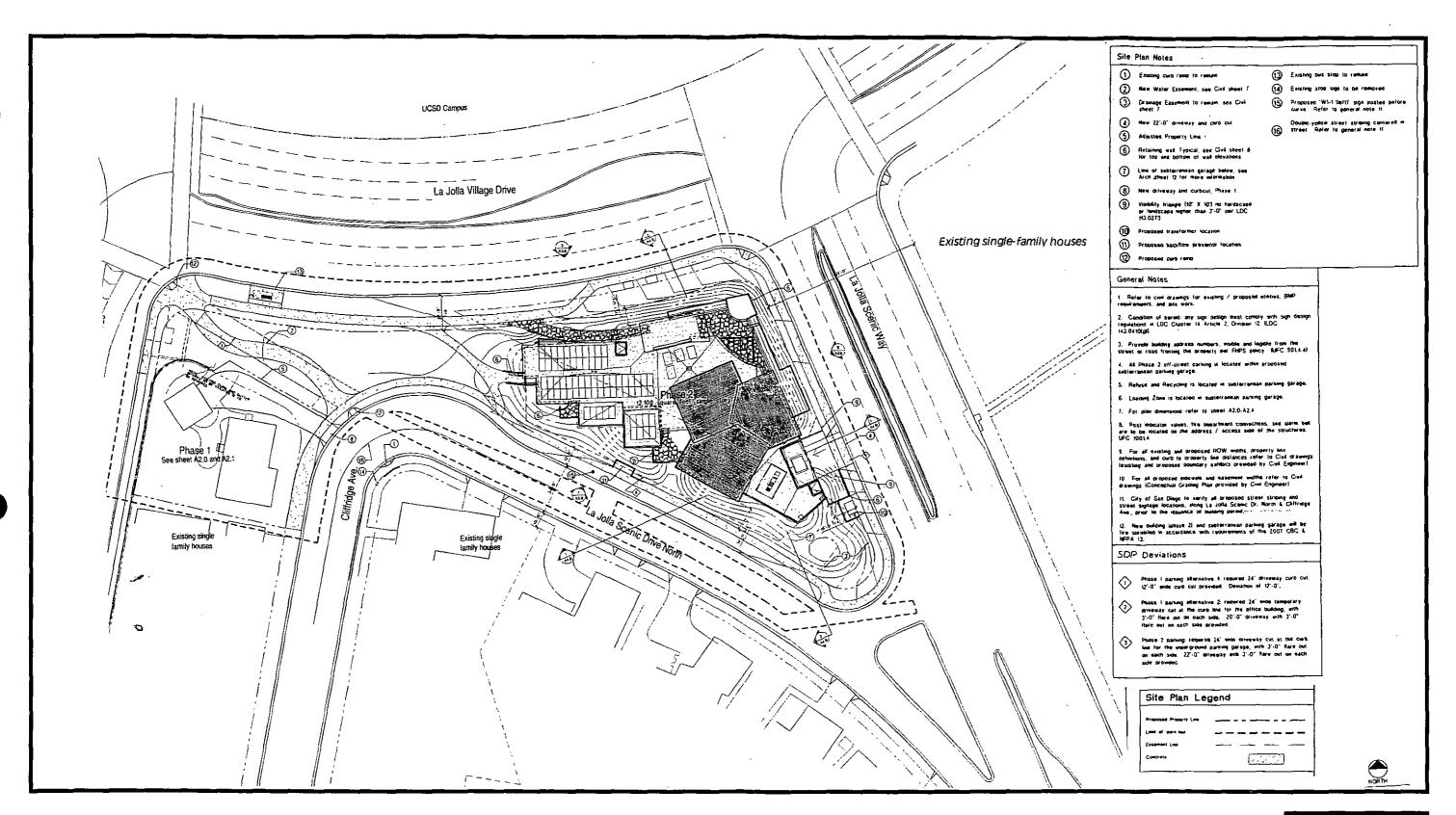


Existing Site Plan

Hillel of San Diego / Project No. 149437

City of San Diego – Development Services Department

FIGURE

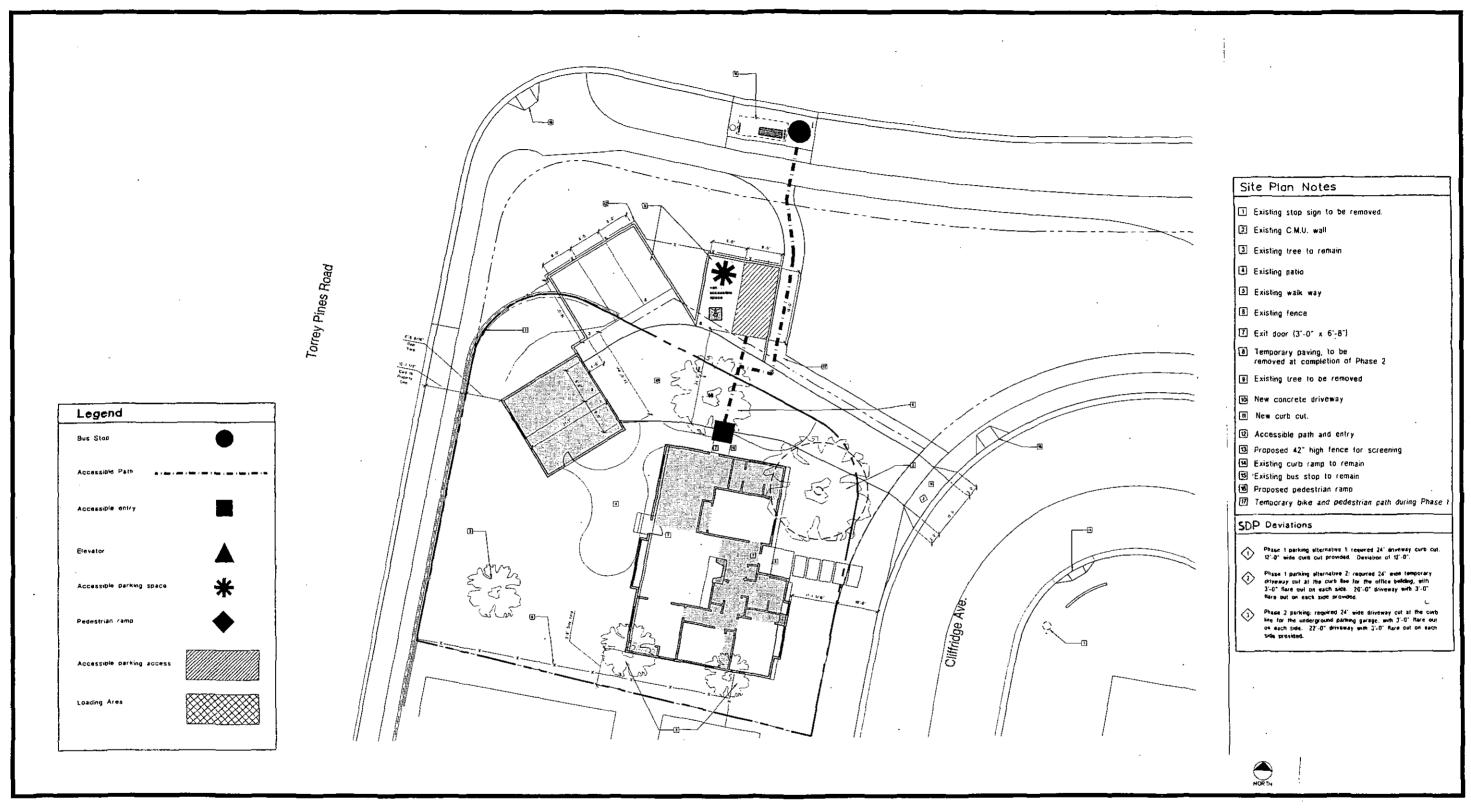




**Proposed Site Plan** 

Hillel of San Diego / Project No. 149437
City of San Diego – Development Services Department

FIGURE

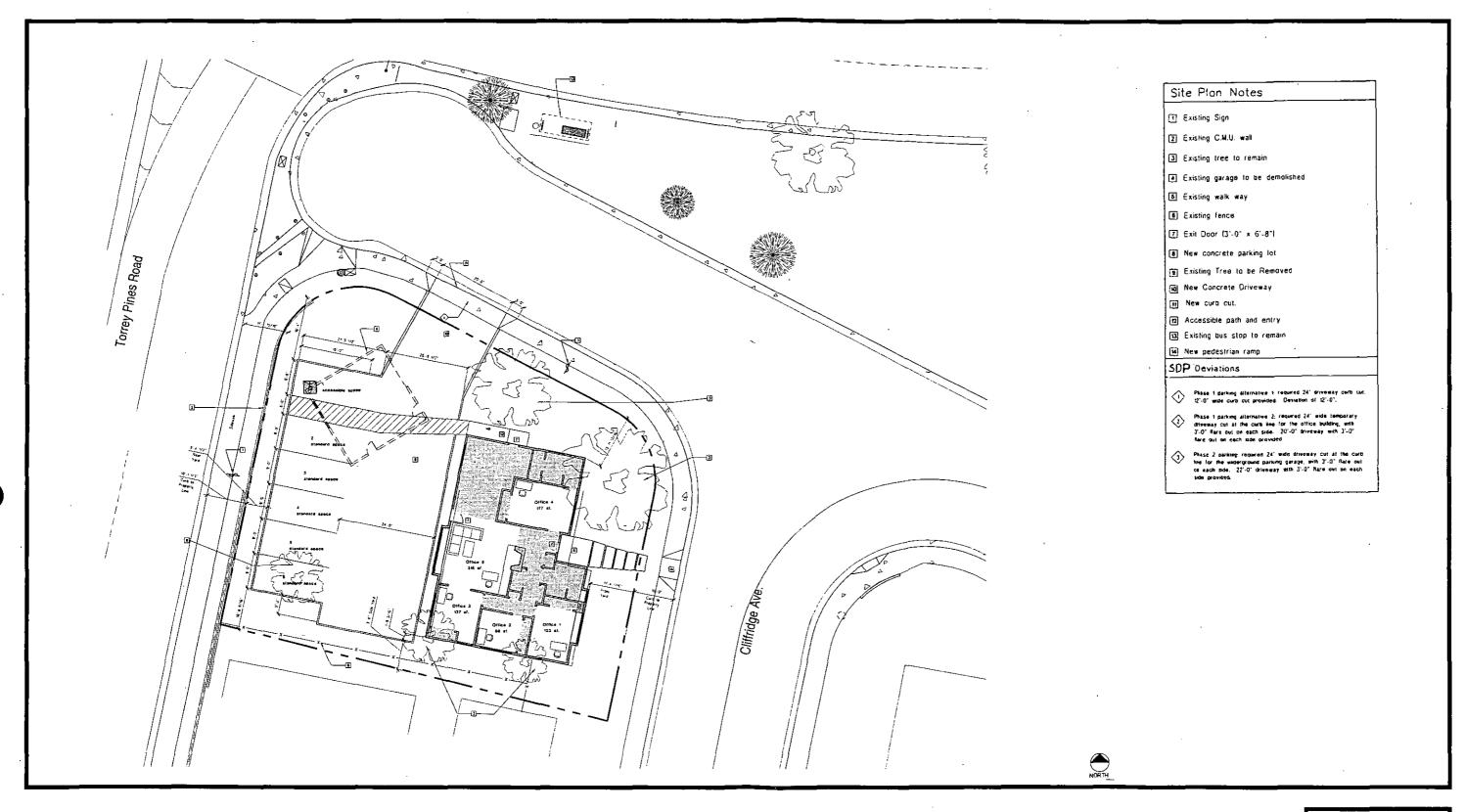




# Phase One- Parking Alternative One Hillel of San Diego / Project No. 149437

City of San Diego – Development Services Department

**FIGURE** 





# Phase One- Parking Alternative Two Hillel of San Diego / Project No. 149437

City of San Diego – Development Services Department

FIGURE

## **Initial Study Checklist**

May 2008

Date:

|  |   | Project No.:   | 149437   |   |   |
|--|---|--|--|---|---|
|  |   | Name of Project:   | Hillel of  | San Diego                               |   |
|  | ial Study is to identi  | fy the potential for sign  |  |   | -                                       |
| the basis for deciding vor Mitigated Negative environmental assessmental project may mitigate ac   | whether to prepare ar<br>Declaration. This C<br>ent. However, subsettly<br>diverse impacts. All                                     | rovides the lead agency an Environmental Impact hecklist provides a meat equent to this preliminate answers of "yes" and "racts and these determinate. | t Report, ins to faci<br>ary review<br>maybe" in | Negative Delitate early modificate that | eclaration<br>ions to the<br>there is a |
|  |   |  | Yes  | Maybe                                   | <u>No</u>                               |
| A. The obstructivities from a The La Joll Coastal Pronot identify vantage poi  | tion of any vista or so public viewing area as Community plan a gram Land Use Plan any view corridors onts at this location.        | ?<br>nd Local<br>does<br>or public   | l the prop                                       | osal result                             | in:<br>_ <u>X</u>                       |
| site or proje  No such im  proposed pro | of a negative aesther ct?  pacts are anticipated oject is a one-story sing that shall be 20' ade, below the allow feet above grade. | . The student 4" 22'-  |  |   | <u>X</u>                                |

| C. | Project bulk, scale, materials, or style which would be incompatible with surrounding development?  Proposed project would be compatible with surrounding development. The proposed project is a one-story student center building that shall be 20'-4" 22'-0" above grade. |             |   | <u>X</u> |
|----|---|-------------|---|----------|
| D. | Substantial alteration to the existing character of the area?  Proposed project would be consistent with the character of the area. The proposed project is a one-story student center building that shall be 20'-4" 22'-0" above grade.                                    | <del></del> |   | X        |
| E. | The loss of any distinctive or landmark tree(s), or a stand of mature trees?  No such loss would occur. No landmark trees or mature stand of trees exists on the project site.  |             | _ | <u>X</u> |
| F. | Substantial change in topography or ground surface relief features?  No substantial change in topography would occur.   | _           |   | <u>X</u> |
| G. | The loss, covering or modification of any unique geologic or physical features such as a natural canyon, sandstone bluff, rock outcrop, or hillside with a slope in excess of 25 percent?  No such impact would occur.  | _           |   | <u>X</u> |
| H. | Substantial light or glare?  The proposed one-story project would not result in substantial light or glare.   |             |   | <u>X</u> |

<u>Maybe</u>

<u>No</u>

Yes

## <u>Yes</u>

|     |    | <u>Maybe</u> <u>No</u>  |           |         |             |
|-----|----|---|-----------|---------|-------------|
|     | I. | Substantial shading of other properties? <u>Proposed project would not shade other properties.</u>  | _         | _       | <u>&gt;</u> |
| II. | •  | AGRICULTURE RESOURCES / NATURAL RESOURES – Would the proposal result in:  | RCES / MI | INERAL  |             |
|     | A. | The loss of availability of a known mineral resource (e.g., sand or gravel) that would be of value to the region and the residents of the state?  Existing site is located within in a developed neighborhood - no such loss would occur. |           | · .<br> | <u>_X</u>   |
|     | В. | The conversion of agricultural land to nonagricultural use or impairment of the agricultural productivity of agricultural land?  Existing site is located within a developed neighborhood – no such loss would occur.                     |           |         | <u>X</u>    |
| Ш.  | ΑI | R QUALITY – Would the proposal:   |           |         |             |
|     | A. | Conflict with or obstruct implementation of the applicable air quality plan?  No such conflict or obstruction would occur.  |           |         | <u>X</u>    |
|     | В. | Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  The proposed project would not result in the violation of any air quality standards.                                     |           |         | <u>X</u>    |
|     | C. | Expose sensitive receptors to substantial pollutant concentrations?  No such exposure would occur.  |           |         | <u>X</u>    |

|               | Additional Resources:   |
|---------------|---|
| XVI.          | Transportation / Circulation  |
|               | City of San Diego Progress Guide and General Plan.  |
| <u>X</u>      | Community Plan.   |
| <u>X</u>      | San Diego Metropolitan Area Average Weekday Traffic Volume Maps, SANDAG.  |
| <del></del>   | San Diego Region Weekday Traffic Volumes, SANDAG.   |
| X             | Site Specific Report: <u>Traffic Impact Analysis</u> , <u>Hillel Facility</u> , <u>dated July 7</u> , <u>2008 and prepared by Linscott Law and Greenspan</u> . <u>Transportation Demand and Parking Management Plan Hillel Facility for UCSD Students</u> , <u>San Diego</u> , <u>dated September 9</u> , <u>2005 and prepared by M.W. Steele Group</u> . |
| XVII.         | Utilities   |
| <del></del> . | ·   |
| XVIII.        | Water Conservation  |
|               | Sunset Magazine, New Western Garden Book. Rev. ed. Menlo Park, CA: Sunset Magazine.   |

| •         | 30.268  | ) <u>i</u>                     | REQU  |                                       | R COU                              | JNCIL AC                                  | OIT                        | 1  |                               | 1. CERTIFICATE   |                   | 343         |
|-----------|---|--------------------------------|---|---------------------------------------|------------------------------------|---|----------------------------|--|-------------------------------|--|-------------------|-------------|
| TO:       | 2. FROM (ORIGINATING DEPARTMENT):  CITY ATTORNEY  DEVELOPMENT SERVICES DEPARTMENT |                                |   |                                       |                                    |   |                            | 3. DATE:   | 1                             | 2/02   |                   |             |
|           |   | 110                            | RINE I  | DEVEL                                 | OPMEN                              | T SERVICE:                                | S DEP.                     | ARTMENT  |                               |  |                   |             |
| 4. SUBJE  |   |                                | Student Con                                     | ton Dnois                             | act Na                             | 140427                                    |                            |  |                               |  |                   |             |
| 5. PRIMA  | RY CONTACT (  | IAME,                          | Student Cen                                     | iter, Proje                           | 6. SECONDA                         | 149437<br>ARY CONTACT (N/                 | ME, PHO                    | NE, & MAIL STA.)                                       | 7. CHECK BOX IF               | REPORT TO COUNCIL                                      | S ATTACHE         |             |
|           |   |                                | 251, MS 501                                     |                                       | Mike W                             | estlake, 446-:                            | 5220, N                    | MS 501   |                               |  |                   |             |
|           |   |                                |   | 8.0                                   | OMPLE                              | TE FOR ACC                                | COUNT                      | TING PURPOSE   | S                             |  |                   | <del></del> |
| FUND      |   |                                |   |                                       |                                    |   |                            |  | 9. ADDIT                      | TIONAL INFORMATION                                     | / ESTIMATE        | ED COST:    |
| DEPT.     |   |                                | 1317  |                                       | -                                  |   |                            |  | Fisca                         | l Impact: None.  | All costs         | are paid    |
| ORGANIZ   | ZATION  |                                | 1713  |                                       |                                    |   |                            |  |                               | e applicant.   |                   |             |
| OBJECT    | ACCOUNT   |                                | 4001  | •                                     |                                    | <u> </u>                                  |                            |  |                               |  |                   |             |
| JOB ORE   | DER   |                                | 43-0276   |                                       |                                    |   |                            |  |                               | ,  |                   |             |
| C.I.P. NU | MBER  |                                |   |                                       |                                    |   |                            |  |                               |  |                   |             |
| AMOUNT    |   |                                |   |                                       |                                    |   |                            |  |                               |  |                   |             |
|           | <u></u>   |                                |   | ,                                     | 10.                                | ROUTING AI                                | ID API                     | PROVALS  |                               |  |                   |             |
| ROUTE     | APPROVIA<br>AUTHORIT  |                                |   |                                       |                                    | DATE                                      | ROUTE                      | APPROVING<br>AUTHORITY                                 |                               |  |                   | DATE        |
| (#)1      | ORIG. DEPT  | <u> </u>                       | KELLY BROUGHTON,                                | L SIGNATURE<br>DIRECTOR DS            | 1/20                               | SIGNED                                    | (#)                        | DEPUTY CHIEF   | WILLIAM ANDER                 | PROVAL SIGNATURE                                       | wai               | SIGNED      |
| 2         | EAS   | · <del>-</del> ·               | KEN BASLEY O H                                  | , Sea                                 | 1000                               | אמלדולנו                                  | 9                          | coo  | - 0                           | -  |                   |             |
| 3         |   |                                |   |                                       |                                    | 1   | 10                         | CITY ATTORNEY  | MARIANNE GRE                  | www.e.G:   | 216               | 11/16/08    |
| 4         |   |                                |   |                                       |                                    |   | 11                         | ORIG. DEPT   | MIKE WESTLAKE                 | \  |                   | 11111/48    |
| 5         |   |                                | ,         |                                       | •                                  |   |                            | DOCKET COORD:  |                               | COUNCIL LIAISON  |                   |             |
| 6         |   |                                |   |                                       |                                    | •   | <b>√</b>                   | COUNCIL PRESIDENT                                      | SPOB                          | CONSENT [  | ADOPTIO           | ON          |
| 7         |   |                                |   |                                       |                                    |   |                            | _  | REFER TO:                     | COUN   | CIL DATE:         |             |
| 1.<br>2.  | compliance<br>independen<br>Resolution  | certi<br>with<br>t jud<br>appr | fying that the int<br>the California I          | Environme<br>y of San D<br>lopment Pe | ntal Qua<br>Piego as I<br>Ermit No | lity Act (CE)<br>Lead Agency<br>. 527861. | l Nega<br>(A) an<br>. Adop | tive Declaration<br>d State CEQA (<br>pting the Mitiga | Guidelines, an tion, Monitori | 149437 has been<br>d that said MND<br>ing, & Reporting | complete reflects | the         |
| 11A.      | STAFF RECOMM  | IENDA                          | TIONS:  |                                       |                                    |   |                            |  |                               |  |                   |             |
| Add       | opt the Reso  | olutio                         | ons   |                                       |                                    |   |                            |  |                               |  |                   |             |
| <u>CO</u> | UNCIL DIS   | STRI                           | TONS (REFER TO<br>CT(S): One<br>EA(S): La Jolla |                                       | OR INFO                            | DRMATION ON                               | COMP                       | LETING THIS SE   | CTION.)                       |  |                   |             |
|           |   |                                |   |                                       | San Dieg                           | o as Lead Ag                              | ency u                     | inder CEOA has   | s prepared and                | d completed a M  | itigated N        | Negative    |
| Dec       | laration, No  | ). 14                          | 9437, dated Octo                                | ober 22, 20                           | 008, and                           | Mitigation, N                             | Ionitor                    | ing, and Report  | ing Program                   | covering this acti                                     | vity.             |             |
|           |   |                                | <u>T:</u> The religious ole housing; how        |                                       |                                    |   |                            |  |                               | d remove one res                                       |                   |             |
|           |   |                                | t to the Affordat                               |                                       |                                    |   |                            | y if the project a                                     | applications a                | re approved as p                                       | roposea.          | THE         |

#### **EXECUTIVE SUMMARY SHEET**

DATE REPORT ISSUED:

REPORT NO .:

ATTENTION: Council President and City Council

ORIGINATING DEPARTMENT: Development Services Department SUBJECT: Hillel of San Diego Student Center. Project Number 149437.

COUNCIL DISTRICT: One

STAFF CONTACT: Daniel Stricker. (619) 446-5251. Dstricker@Sandiego.gov

REQUESTED ACTION: Approval of a two-phased development, with Phase I to retain the existing use of a single-family residence and garage/storage structure for religious offices and related uses; and Phase II the development of a 12,100 square-foot religious student center over a subterranean garage on a vacant 0.77-acre site on the south side of La Jolla Village Drive between Torrey Pines Road and La Jolla Scenic Way within the La Jolla Community Plan.

STAFF RECOMMENDATION: Certify the Mitigated Negative Declaration No. 149437, and Adopt the Mitigation Monitoring and Reporting Program; Approve Site Development Permit No. 527861; Approve Public Right-of-Way Vacation No. 527860; and Approve Easement Acquisition No. 584509.

EXECUTIVE SUMMARY: The project site is located in the Single Family Zone of the La Jolla Shores Planned District within the La Jolla Community Planning Area, Coastal Height Limit Overlay Zone, and the Campus Parking Impact Overlay Zone. Properties to the south and east are designated for residential uses (5-9 dwelling units/acre) and are currently developed with single-family homes. Properties to the north and west are designated for Public Facilities/Institutional uses, with the property to the north developed with the University of California San Diego facilities, and the property to the west, beyond Torrey Pines Road, being currently vacant.

On March 3, 2005, an almost identical project was recommended for denial by the Planning Commission by a vote of 5-0. The project was approved by City Council on May 9, 2006 by a vote of 6-2, with the addition of numerous conditions regarding parking and traffic. The approval was challenged in court, and a judge ordered the City to set aside the Mitigated Negative Declaration and the associated project approvals, other than the resolution which authorized the sale of the site from the City of San Diego to Hillel of San Diego. The judge found that the Mitigated Negative Declaration failed to adequately evaluate the pedestrians crossing La Jolla Village Drive, and the possibility of on-site raptors. The judge sent back the approvals and the Mitigated Negative Declaration to the City of San Diego, to be reconsidered in compliance with the California Environmental Quality Act.

The judge's order was challenged by both the applicant and a group of project opponents. Given the pending status of the previous approvals, it was determined that the applicant would be allowed to resubmit a new application addressing the judge's concerns, and process it through the City's review process.

## 002694

The applicant submitted the current Hillel Student Center Project on June 12, 2008. The project scope is generally the same, with the addition of 28 on-site parking spaces supplied by parking lifts, and the incorporation of a roof-mounted photovoltaic system consisting of solar panels and the installation of a fuel cell sufficient to generate at least 30 percent of the project's projected energy consumption, meeting the requirements of City Council Policy 900-14. Each of the project's technical studies was redone, and the two areas of concern raised by the judge's order were addressed in the new traffic and biology studies.

On November 6, 2006 the Planning Commission heard a staff presentation and public testimony in favor and opposition during a noticed public hearing. After considering the information presented and associated discussion, the Planning Commission voted 4:1:2 to deny the project.

<u>FISCAL CONSIDERATIONS</u>: All costs associated with the processing of this project are recovered from a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: See Report to City Council No. 08-175

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: On September 4, 2008, the La Jolla Community Planning Association (LJCPA) passed two motions; one taking action to recommend denial of the project by a vote of 14-0-0, and the other providing direction to the President of the LJCPA regarding the project's environmental document. On September 16, 2008 the La Jolla Shores Planned District Advisory Board (LJSPDAB) voted 4-0 to deny the project. Please see the Discussion section of Attachment 1, the Report to City Council, for more detail.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable): The Owners are Robert Marshall (Phase I) and Hillel of San Diego (Phase II), and the Applicant is Hillel of San Diego for both Phases.

Kelly Broughton

Director, Development Services Department

William Anderson

Deputy Chief Operating Officer Executive Director of City Planning

and Development

## ATTACHMENTS:

- 1. Report to City Council
- 2. Report to the Planning Commission